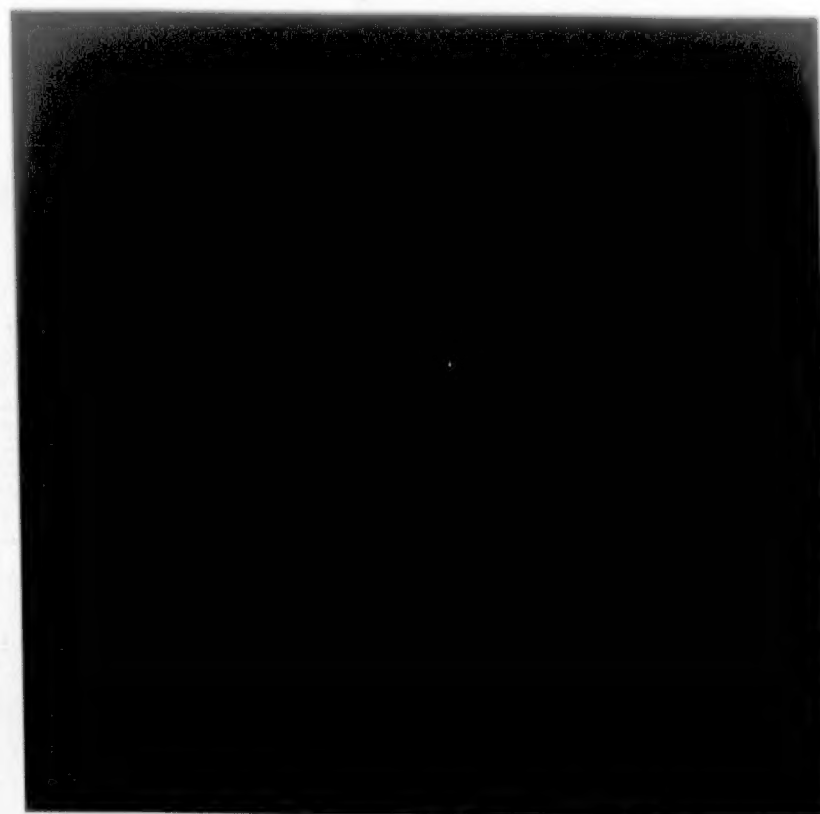
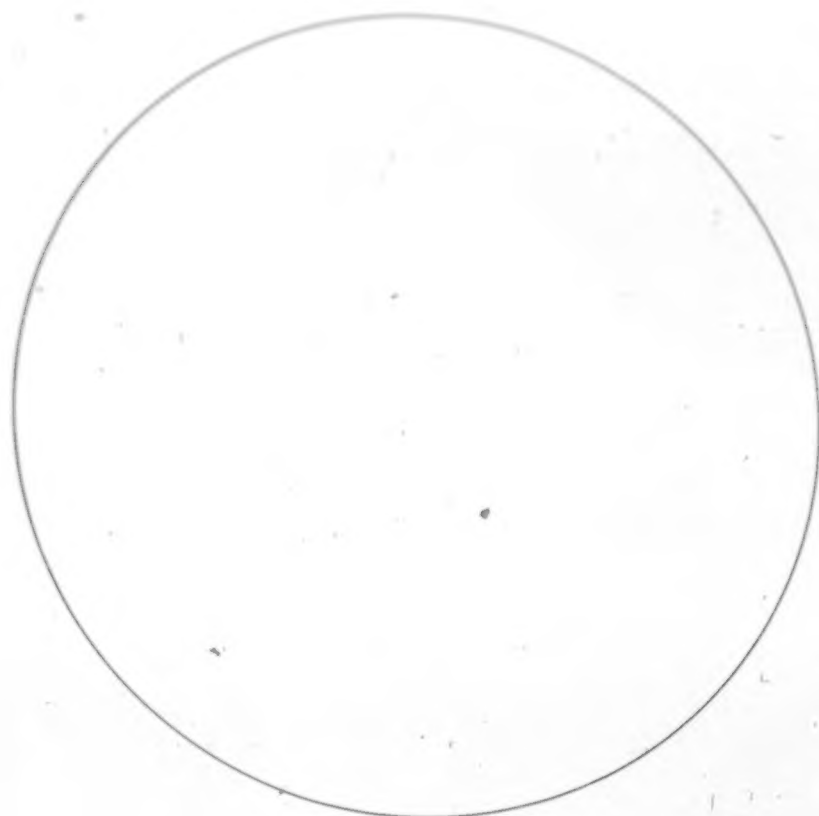
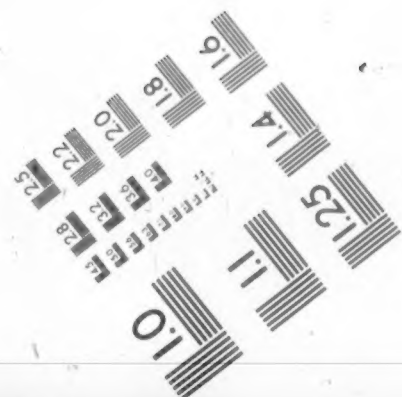
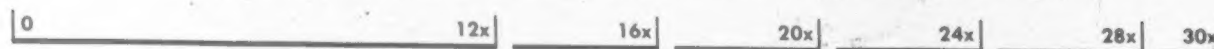




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 159

MISSISSIPPI CHOCTAW MCR 6669 - 6776

**THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 6669

Ellen Pleasant

See MCR 6668, 6670, 6671
7069, 6888, 7070, 7072, 7071

MCR 6669

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Ellen Pleasant, et al.
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Raywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

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comprising the record in the above consolidated case.

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\$6669.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, P. T., February 6, 1903.

In the matter of the application for identification as a
Mississippi Choctaw of Ellen Pleasant.

W. H. Twine, attorney for applicant.

Ellen Pleasant being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ellen Pleasant.
Q What is your age? A I dont know.
Q How old do you think you are? A I am about 65.
Q What is your post office address? A Fallis.
Q Oklahoma? A Yes sir.
Q How long have you lived there? A I been there some time; I
cant tell you exactly.
Q Ten years or twelve years? A Yes sir, about that long.
Q How long? A About eleven years I guess.
Q Where did you live before that? A In Louisiana.
Q Were you born there? A No sir, borned in west Tennessee,
Madison county.
Q And from there you went where? A To Arkansas and from Arkansas
to Louisiana,
Q And then where? A Then come here to Oklahoma.
Q Is your father living? A No sir, he's dead.
Q Is your mother living? A No sir.
Q What was your father's name? A Joe Tubbee.
Q What was your mother's name? A Kandis Tubbee.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A I dont know how to
say it, but I think one quarter I believe.
Q Was your father one half Choctaw? A Yes sir my father was
one half Choctaw.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by either the Choctaw tribal authorities or the United
States authorities in the Indian Territory? A Not that I
know of.
Q Have you the proof of the marriage of your father and
mother with you? A No sir, I haven't.
Q Do you know when they were married? A No sir, I dont know;
they was married before I was born.
Q Are you married? A No sir, I am a widow.
Q You have no children you want to apply for? A No sir.
Q Have you any children over age? A No sir, I haven't no chil-
dren.

- Q Was your husband a Negro? A Yes sir.
- Q No Choctaw blood? A No sir.
- Q Was your father a slave at any time? A Yes sir, he was a slave.
- Q Was your mother a slave? A No sir, I dont think she was. She died before I can remember anything much.
- Q Now, your sister, Patsy Jamison, testified that her father, Joe Tubbee, was not a slave; you say he was? A I dont know.
- Q And she testified that her mother was a slave; and you say she was not? A Well, I dont know; I haven't got good recollections nohow.
- Q Dont you think both were slaves? A Honest I cant say for certain.
- Q Do you think they were? A I couldn't say to tell the truth; I dont want to tell a wrong tale.
- Q How much Choctaw blood did your father have? A I think they said one half.
- Q What was his other blood? A Negro.
- Q And your mother's blood was what? A Indian I reckon.
- Q Are you sure? A I think she was.
- Q Your sister said she was Negro? A Negro?
- Q Yes? A Well, I could say nohow, maybe thats what it was; I submit to that.
- Q She said she was a slave; do you know anything about that? A I dont know.
- Q Your recollection is not very good? A No sir.
- Q You are not feeling very well are you? A No sir.
- Q And you cant recollect back very far? A No sir, she has got a heap better recollection than I have.
- Q Dont you think you are over 65 years old? A No sir, I dont think I am over 65, and I dont know whether I am that old or not.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you now claim the right to be identified as a Mississippi Choctaw under article 14 of the treaty of 1830; that article that I have been reading and explaining? A Say it over again, I didn't hear you good?
- Q You claim under article 14 of the treaty of 1830,- you have had that explained to you, have you not? A No sir, explain it to me.

Well, a treaty is an agreement in writing between nations, and an article is a part of that treaty, one of its paragraphs. The treaty of 1830 was made on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The object of the treaty was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty could be signed it be-

came known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and to protect those Indians in their rights article 14 was put into the treaty of 1830 of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A I dont know, no sir.
- Q Now give me the name of your ancestor that you are making your claim through now to be identified as a Mississippi Choctaw? (No response)
- Q Do you know what I mean by ancestor? A No sir.
- Q I mean your grandmother, if you claim through her; do you know who you claim through? A (No response)

By W H Twine, attorney for applicant:

Q What kin folks? A My grandmother.

By the Commission:

- Q What was her name? A Millie Tubbee.
- Q That was the ancestor your sister, Patsey Jamison, claimed through? A Yes sir, we are sisters you know.
- Q How much Choctaw blood did she have, Millie Tubbee? A She was whole Injun.
- Q Do you claim through her husband, or dont you know? A No sir I dont know.
- Q Did Millie Tubbee live in Mississippi? A She lived in South Carolina, and lived in Tennessee.
- Q Did she ever live in Mississippi? A No sir, not as I know of.
- Q Did she ever live in Alabama? A I dont think she did
- Q Did she within six months after the ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, and try to register under article 14 of that treaty? A No sir, I dont recollect nothing about that.
- Q Did she own or claim any land in that old Choctaw Nation in 1830? A No sir.
- Q You never heard that she lived on land in the old Choctaw Nation for five years, and then got a patent from the government for that land? A No sir, I dont know nothing about that.
- Q Did she go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A Not as I know of.

Ellen Pleasant-----4

- Q Did she go with the other Indians between 1833 and 1838 at the expense of the government? A Not that I know of.
- Q Did any of your Choctaw ancestors, Millie Tubbee, or any other, own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did you ever hear that she or any of them went before the Commission of 1837 or the Commission of 1842, and claimed any benefits under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed to hear the complaints of Choctaw Indians who remained back in the old Choctaw Nation, and who claimed that they had gone to Colonel Ward within six months after the treaty of 1830 was ratified and tried to register under article 14 of that treaty, but that Colonel Ward, the Agent, had refused to register them, and these Indians had their land taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors, Millie Tubbee or any other, receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not as I know of.

This scrip was issued under an act of Congress of August 23, 1842.

- Q Do you speak or understand Choctaw? A No sir.

30 days time is allowed this applicant in which to introduce other evidence in support of this claim.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; she has gray hair, formerly black and curly; her features are characteristic of the African race; she does not understand the Choctaw language, and has no knowledge of ~~the~~ a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of February, 1903.

Charles H. Sawyer

Notary Public.

186

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Ellen Pleasant, et al.
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Ellen Pleasant,	M.C.R. 6669
Patsy Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Haywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Ellen Pleasant for herself; by Patsy Jamison for herself and
her minor child, Herbert Jamison; by John Jamison for himself and
his two minor children, Oscar and Lillie Mabel Jamison; by Paul
Jamison for himself; by Joe Jamison for himself and his two minor
children, Russell and Jessie Jamison; by Haywood Jamison for him-

self; by Mattie Andersen for herself; by Ballie Jamison for herself; and by Errie Jamison for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Millie (or Milly) Tubbee (or Tubbe, or Tubby), who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Millie (or Milly) Tubbee (or

Tubbe, or Tubby), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. ,180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.
Chairman.

(SIGNED)

T. B. Needles
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.
COMMISSIONER.

(SIGNED)

W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

OCT 31 1903

COPY.

M.C.R. 6669

Muskogee, Indian Territory, October 31, 1903.

Ellen Pleasant,

Ballis, Oklahoma,

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,
Patsy Jamison, et al.,
John Jamison, et al.,
Paul Jamison,
Joe Jamison, et al.,
Haywood Jamison,
Mattie Anderson,
Sallie Jamison,
Effie Jamison,

M.C.R. 6669
M.C.R. 6668
M.C.R. 6670
M.C.R. 6671
M.C.R. 7069
M.C.R. 6888
M.C.R. 7070
M.C.R. 7072
M.C.R. 7071

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

H. P. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Wattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jams Dixby.
Chairman.

Registered.

COPY.

M.C.R. 6669.

Muskegee, Indian Territory, October 31, 1903.

W. H. Twine,

Attorney at Law,

Muskegee, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6669
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Haywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Bixby.
Chairman.

Registered.

COPY.

M.C.R. 6669

Muskogee, Indian Territory, October 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Haywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McM. & C. - 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Kirby
Chairman

OPY:

Muskegee, Indian Territory, November 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ellen Pleasant, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Ellen Pleasant,	M.C.R. 6669
Patsy Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.	M.C.R. 7069
Raywood Jamison,	M.C.R. 6668
Mattie Anderson,	M.C.R. 7070
Hallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Sec. Int., --2

There is also transmitted the affidavits, in interrogatory form, of Sam Dixon and Mary Dixon, offered in support of the applications of Joe and Fatsy Jamison, received at this office November 10, 1903.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 6669

(COPY)

LAND

75389-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 16, 1903, transmitting the record of the applications for identification as Mississippi Choctaws under the Fourteenth Article of the treaty of Dancing Rabbit Creek by Ellen Pleasant for herself; by Patsey Jamison for herself and her minor child, Herbert Jamison, by John Jamison for himself and his two minor children, Oscar and Lillie Babel Jamison; by Paul Jamison for himself; by Joe Jamison for himself and his two minor children, Russell and Jessie Jamison; by Haywood Jamison for himself; by Mattie Anderson for herself; by Hallie Jamison for herself, and by Effie Jamison for herself.

October 31, 1903, the Commission decided adversely to the applicants.

The record shows that the applicants all claim by reason of being descendants of Millie Tubbee who is alleged to have been a full blooded Choctaw and to have resided in Mississippi in 1830.

It appears from the record that none of the applicants has ever been recognized, enrolled or admitted to Choctaw citizenship by any tribunal.

It does not appear from the record, or the records of this office, that any alleged ancestor of the applicants ever complied or attempted to comply with the provisions of the Fourteenth Article of the treaty of Dancing Rabbit Creek, or any subsequent legislation thereunder.

The name Millie Tubbee, or similar spelling of the name is not found on the records of this office as a beneficiary under the Fourteenth Article of the Choctaw treaty.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M. M. M.

W.

D.C. 28886-1904

W. C. F.

DEPARTMENT OF THE INTERIOR

I. T. D. 6420-1904. WASHINGTON.

FHE

L R S

August 15, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 16, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Ellen Pleasant, et al (W. C. R. 6669), including your decision of October 31, 1903, which was adverse to the applicants.

Reporting in the matter August 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

M.C.R. 6669

COPY.

Muskogee, Indian Territory, August 27, 1904.

Ellen Pleasant,

Fallis, Oklahoma.

Dear Madam:

You are hereby notified that on the 15th day of August 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

M.C.R. 6669

COPY.

Muskogee, Indian Territory, August 27, 1904.

W. H. Twine,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of August 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant, et al., of which decision you were advised by registered mail on the 31st, day of October, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

M.C.R. 6669

COPY.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th, day of August 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant, et al., of which decision you were advised by mail on the 31st, day of October, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

REFER TO M. C. R. 1

Ellen Pleasant
et al

Consolidated Co.

Milly Tubby, or
Millie Tubbee, full.

Josiah, or
Joe Tubbel, 1/2 neg.
wife

Kandis Tubbee, neg. slave

nick
6669
Ellen Tubbee, 65 1/4
married
Pleasant, neg.

nick
6669
Patsy Tubbee, 59 1/4 slave
married
Albert Jamison, neg. slave

nick
7069
Joe Jamison, 38. 1/8
wife
Lucy Jamison, neg. ind.

nick
6888
Heywood Jamison, 37. 1/8

nick
6670
John Jamison, 28. 1/8
wife

Alice Jamison, neg.

nick
7020
Matthie Jamison, 29 1/8
married

Wesley Anderson, neg. 2

nick
6671
Paul Jamison 26. 1/8

nick
7072
Sallie Jamison 22. 1/8

nick
7074
Effie Jamison, 21. 1/8

nick
6668
Herbert Jamison, 19

nick
7069
Russell Jamison, 7

Jessie Jamison, 4

nick
6670
Oscar Jamison, 5
Lillie Mahel Jamison, 3.

6669

No. 6669

For Identification as a Mississippi Choctaw.

Date FEB 6 1903

Name Ellen Pleasant,

Age 65 Blood 1/4

Post Office, Fallis, Okla.,

Father: Joe Tubbee d

Mother: Nandis Tubbee d

Claims through Father 1/2

~~Children:~~

Claims for self
alone.

Stenographer

H. H. Martin

Choctaw MCR 6670

John Jamison

MCR 6670

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 6, 1903.

In the matter of the application of John Jamison for the identification of himself and his two minor children, Oscar and Lillie Mabel Jamison, as Mississippi Choctaws.

W. H. Twine, attorney for applicants.

John Jamison being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John Jamison.
Q What is your age? A About 38.
Q What is your post office address? A Fallis, Oklahoma.
Q How long have you lived in Oklahoma? A About 11 years.
Q Where before that? A In Texas.
Q How long did you live in Texas? A The best part of my life; I was born in Texas.
Q And went from there to Oklahoma? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Albert Jamison.
Q What is your mother's name? A Patsy Jamison.
Q She made application today, did she not, to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have your case considered with hers, M C R 6668?
A Yes sir.

The case of Patsy Jamison, M.C. R. 6668, is here referred to for the purpose of consolidation.

- Q What relation is Ellen Pleasant to you? A My aunt.
Q She made application today, M. C. R. 6669? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your mother one quarter? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Was your mother a slave at one time? A Yes sir.
Q Was your father? A Yes sir.
Q What is your wife's name? A Alice Jamison.
Q Is she colored? A Yes sir.
Q Do you make any claim for her? A No sir.
Q How many children have you? A Two.
Q What is the name of the oldest? A Oscar Jamison.
Q How old is Oscar? A He was 5 years old last October.
Q What is the name of the next? A Lillie Mabel Jamison.
Q How old? A 3.
Q You claim for yourself and two children? A Yes sir.
Q Is Alice Jamison the mother of these two children? A Yes sir.
Q Are you and she living together as husband and wife, and these children living with you at your home? A Yes sir.
Q Have you the proof of your marriage with your wife here? A I have not.

- Q When and where were you married to her? A At her mother's home on the 30th day of December, '96.
- Q In what place? A Lincoln County, Oklahoma.
- Q By a minister under a license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you want to identify yourself and these two minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

That treaty was made in 1830 between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. It was signed on the 27th day of September, 1830, and was ratified on the 24th day of February, 1851. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, which was the purpose of that treaty,-- to remove the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory,--and in order to protect the interests of those Choctaw Indians who stayed back in the old Choctaw Nation, article 14 was put into the treaty of 1830. It was then signed and afterwards became ratified. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A Not that I know of.
- Q What is the name of your ancestor through whom you claim now? A Joe Tubbs.

John Jamison-----3

- Q That is your grandfather? A Yes sir.
- Q What was his mother's name? A I dont know sir.
- Q Did you never hear of Millie Tubbee? A Yes sir.
- Q Was that his mother? A No sir, thats my grandma's mother.
- Q You claim through Joe Tubbee? A Yes sir.
- Q Your mother claims through Millie Tubbee? A I claim through the same that my mother claims through.
- Q Well, she claims through Millie Tubbee; was hat not Joe Tubbee's mother? A I guess so.
- Q She sat right here and you heard her testify, and you heard Ellen Pleasant testify? A Yes sir.
- Q They both said that? A Yes sir.
- Q Dont you know anything about that? A Yes sir.
- Q Whom do you claim through now? A Millie Tubbee.
- Q What relation was she to Joe Tubbee? A She was his mother.
- Q What relation was Joe Tubbee to you? A My grandfather.
- Q Your mother's father? A Yes sir.
- Q Now, do you know whether Millie Tubbee, your great grandmother, lived in Mississippi or Alabama at any time? A I was told she lived there.
- Q Where? A In Tennessee I mean.
- Q Did you ever hear that she lived in Mississippi or Alabama? A No sir.
- Q Did you ever hear that she or any other Choctaw ancestor of yours went to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Did any of them go at any other time between with the other Indians between 1833 and 1838, at the expense of the government? A I dont know sir.
- Q Did any of your Choctaw ancestors, Millie Tubbee, or anybody else having Choctaw blood, live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know sir.
- Q Did any of them own any land or claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know, sir.
- Q Did any of them go before the commission of 1837 or the commission of 1849, and claim any benefits under article 14 of the treaty of 1830? A I dont know sir.

These commissions were appointed by various acts of Congress, one by an act of Congress approved March 3rd, 1837, and one by an act of Congress approved August 23rd, 1848, for the purpose of hearing Choctaw Indians who stayed back in the old Choctaw Nation, and claimed that they had tried to register

John Jamison-----4

under article 14 by going to Colonel Ward within six months after the ratification of the treaty of 1830, but he refused to accept their names for registration, and because he refused to register them these Indians lost the lands which they were then holding in the old Choctaw Nation; they were taken from them, together with the improvements on those lands, and sold by the government.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A I dont know, sir.

This scrip was issued to these Choctaw Indians because they had proven their rights under article 14 of the treaty of 1830, and had also proven that their land had been taken from them by the government and sold; it was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this applicant in which to introduce other testimony in support of this application.

This applicant has the appearance and physical characteristics of being descended from ~~an~~ Negro parentage; she does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Walter H. Martin

Subscribed and sworn to before me this 16 day of February, 1903.

Charles H. Sawyer
Notary Public.

COPY.

M.C.R. 6670

Muskogee, Indian Territory, October 31, 1903.

John Jamison,

Fallis, Oklahoma,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6668
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Haywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Raywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Birby
Chairman.

Registered.

M.C.R. 6670

COPY.

Muskogee, Indian Territory, August 27, 1904.

John Jamison,

Vallis, Oklahoma.

Dear Sir:

You are hereby notified that on the 15th day of August 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant, et al., of which you were advised by registered mail on the 31st, day of October 1903.

Respectfully,
(SIGNED)

James Birby.
Chairman.

6670

No. 6670

For Identification as a Mississippi Choctaw.

FEB 6 1906

Date

Name John Jamison

Age * 28 Blood 1/8

Post Office, Tallie, Okla. -

Father: Albert Jamison l

Mother: Patsy " l

Claims through mother 1/4 -

wife -

Alice Jamison, nee. l.

No claim for wife

Children:

Oscar Jamison, 5

~~Ben~~

Lillie M. 3

Claims for self &

2 children -

Steno-grapher W. H. Mott

John Jamison

DEPARTMENT

NO. 1

2-15-1911

Choctaw, MCR 6671

Paul Jamison

MCR 6671

#3671.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, February 6, 1903.

In the matter of the application of Paul Jamison for the
identification of himself as a Mississippi Choctaw.

W. H. Twine, attorney for applicant.

Paul Jamison being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Paul Jamison.
Q What is your age? A About 25.
Q What is your post office address? A Fallis, Oklahoma.
Q How long have you lived there? A About 11 years.
Q Where before that? A Texas.
Q Were you born in Texas? A Yes sir.
Q Where in Texas were you born? A I was born in Panola County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Albert Jamison.
Q What is your mother's name? A Patsey Jamison.
Q Both were slaves at one time, were they not? A Yes sir.
Q Do you claim through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q How much is your mother? A One fourth.
Q Has she ever been recognized or enrolled as a Choctaw Indian
by either the Choctaw tribal authorities or the United States
Authorities in the Indian Territory? A No sir.
Q You claim for yourself alone? A Yes sir.
Q You are not married? A No sir.
Q Have you any white blood? A Not unless it is through my father.
Q You do not get any through him do you? A No sir.
Q Your mother testified and did not claim any white blood? A No
sir.
Q You don't know whether you have any white blood? A No sir.
Q You never heard you had? A No sir.
Q Do you want to have your case considered with the case of
your mother, patsey Jamison? A Yes sir.

The case of Patsey Jamison, M. G. R. 6668, is here referred
to for the purpose of consolidation.

- Q Is Ellen Pleasant your aunt? A Yes sir.
Q And John Jamison your brother? A Yes sir.

These cases, M. G. R. 6668, and M. G. R. 6670, are also
referred to, all claiming through the same common ancestor,
Millie Tubbee.

Q Is your name on any of the tribal rolls of the Choctaw Nation in

the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been enrolled by any authority whatever up to the present time as a member of the Choctaw tribe of Indian? A No sir.

Q Do you now want to be identified under article 14 of the treaty of 1830 as a Mississippi Choctaw? A Yes sir.

Q You claim under article 14? A Yes sir.

Q You understand that article, don't you? A Yes sir.

Q You have heard it read and explained several times? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity!"

Q Do you know if any of your Choctaw ancestors complied with that article? A No sir.

Q Who do you claim through? A My great grandma, Millie Tubbee.

Q How much Choctaw blood did she have? A They said she was a full blood.

Q You claim through your mother, Patsey? A Yes sir.

Q She claims through her father? A Yes sir.

Q Joe Tubbee, and Millie Tubbee was his mother? A Yes sir.

Q Did any of these people live in Mississippi or Alabama in 1830 and have families there then? A I don't know.

Q Did you ever hear that they lived in Mississippi or Alabama? A I heard they lived there.

Q Do you know what time they live there? A It must have been about 1830.

Q Did you ever hear that Millie Tubbee lived in Mississippi in 1830 and had a family there then? A Yes sir, I heard that.

Q Was she a slave? A No sir.

Q Was her husband? A Why, I don't know whether her husband was a slave or not.

Q Did any of your Choctaw ancestors go to Colonel Ward, the agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Why, I don't know.

- Q That is what we call complying with article 14 of the treaty of 1830; you dont know about that? A No sir.
- Q Did any of your Choctaw ancestors, Millie Tubbee, or anybody else, live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of establishing a permanent residence in the Choctaw Nation, Indian Territory? A I dont know, sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know sir.
- Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress approved March 3rd, 1837, or before a commission appointed by act of Congress of August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know sir.

These two commissions were appointed, one in 1837 and the other in 1842, to hear Choctaw Indian claimants who said they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and had registered or tried to register under article 14 of that treaty, but that Colonel Ward neglected to put their names on his registry list, and because of his neglect or refusal to do this these Indians had their land taken from them by the government and sold at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that they had occupied in the old Choctaw Nation and which had been taken from them by the government and sold? A I dont know, sir. I dont remember.

This was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this applicant in which to introduce other evidence in this case.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; he has all the characteristic features of that race; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he re-

Paul Jamison-----4

corded in full the above proceedings at Muskogee, I. T., on the 6th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Walter H. Martin

Subscribed and sworn to before me this 16 day of February, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 6671

Muskogee, Indian Territory, October 31, 1903.

Paul Jamison,

Ballis, Oklahoma,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Pleasant,	M.C.R. 6669
Patsey Jamison, et al.,	M.C.R. 6669
John Jamison, et al.,	M.C.R. 6670
Paul Jamison,	M.C.R. 6671
Joe Jamison, et al.,	M.C.R. 7069
Raywood Jamison,	M.C.R. 6888
Mattie Anderson,	M.C.R. 7070
Sallie Jamison,	M.C.R. 7072
Effie Jamison,	M.C.R. 7071

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Haywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Irene Bixby.
Chairman.

Registered.

M.C.R. 6671

COPY.

Muskogee, Indian Territory, August 27, 1904

Paul Jamison,

Fallis, Oklahoma.

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

6671

No. 6671

For Identification as a Mississippi Choctaw.

Date

FEB 6 1903

Name Paul Jamison

Age 25

Blood

1/8

Post Office,

Fallis, Okla

Father:

Albrit Jamison l

Mother:

Patsy " l.

Claims through

mother 1/4

Children:

Claims for tree
alone.

M. H. Martini -

FOR INFORMATION AS
A MISDEMEANOR

R.

Paul Jamison
REFUSED

RECORDS DEPARTMENT,

NO. 15 1904

ACTION APPROVED BY
SECRETARY OF DEPT. OF COR.

AUG 15 1904

NO
FORW.

CA ACTION
FORW.

CA ACTION
FORW.

DECISION PREPARED

Choctaw MCR 6672

Margaret Cochran

MCR 6672

#6672.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 7, 1903.

In the matter of the application of Margaret Cochran for
the identification of herself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Margaret Cochran being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Margaret Cochran.
Q What is your age? A Going on 75, the 6th day of June.
Q What is your post office address? A Spencer Station, Montgomery County.
Q What state? A Kentucky.
Q Have you always lived in Kentucky? A No sir, I was born and raised in Kentucky, but I have been away from there; I have not lived there all the time.
Q Where have you lived when out of the state of Kentucky? A Kansas; I lived there ten years.
Q How long in Kentucky this last time? A Since I came back from Kansas?
Q Yes? A Three year last may since I came back from here.
Q Been living there for the last three years then? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Henry Evans.
Q What was your mother's name? A Lucinda Evans.
Q Do you claim your Choctaw blood through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A One third I reckon.
Q How much do you claim your mother had? A One second; she was John Harper's daughter, my mother was.
Q How much Choctaw blood did she have? A One second.
Q I dont know how much that is; there is no such quantity as a second? A Then you may say one third; it has been so long you know.
Q If she is one third you couldn't be one third? A Well then, I would be one fourth.
Q You dont know much about that do you? A No sir, I cant recollect much about it.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I couldn't tell you whether she ever was or not.
Q She never lived in the Indian Territory, did she? A I dont think she did.
Q Is your husband living? A My last husband is.
Q What is his name? A Miles Cochran.
Q He is your second husband, is he? A Yes sir.
Q Is he a Choctaw Indian or a white man? A He is a white man.
Q What was your first husband's name? A Larkin Drake.
Q Is he dead? A Yes sir.

- Q Was he a white man, too? A Yes sir.
- Q He was not a Choctaw Indian? A No sir, not that I know of.
- Q You make no claim for your husband? A Well, if I could I would, I don't know whether I could or not.
- Q Well you couldn't make any application for him unless he has Choctaw blood and claims to be a Mississippi Choctaw Indian by descent? A Well, he don't do that.
- Q He is a white man is he not? A Yes sir.
- Q Have you any children you want to make application for? A No sir, I have just one child and he registered here yesterday, Henry Drake, maybe you remember him; I never had but two children and one of them is dead; she left three grandchildren, and that is all the descent I have got.
- Q Then you claim just for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A How is that?
- Q Are you enrolled as a Choctaw Indian? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you want to be identified now as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A How is that?
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with article 14 of that treaty, as quoted to you? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I mean the old kin folks that you claim through, grandfather or grandmother, or whoever it is? A It comes through my great grandmother and great grandfather.
- Q John Harper? A Yes sir, and grandmother, too, of course.

Margaret Cochran-----3

- Q That's your great grandfather? A Yes sir.
- Q And your great grandmother? A Yes sir.
- Q What was John Harper's wife's name? A Mary Ann they always told me; of course I never seen her.
- Q You have always heard that? A Yes sir.
- Q How much Choctaw blood did they both have, were they full bloods? A They said greatgrandfather was, and it seems like she claimed to be one half.
- Q Do you know whether John Harper and his wife or either of them lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then? A No sir, I dont.
- Q Did you ever hear that either of them lived in the old Choctaw Nation either in Mississippi or Alabama at any time? A No, I dont know as I ever did; if I did I have forgotten it.
- Q Did either of them go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states, or dont you know? A I dont know.
- Q Did any of your Choctaw ancestors, John Harper or his wife or any other, live on land in the old Choctaw Nation for five years and then get a patent from the government for that land under article 14 of the treaty of 1830? A I dont know anything about it.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know anything about it if them did.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1838 and 1838 or '40? A No sir, I never heard anything about it.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know whether they did or not.
- Q You say that you never heard that any of your Choctaw ancestors went to Colonel Ward and tried to register under article 14 of the treaty of 1830? A I might have heard, but I have forgotten it.

In 1837 by an act of Congress approved March 3rd of that year, and in 1842 by an act of Congress approved August 23rd of that year commissions were appointed to hear claimants under article 14 of the treaty of 1830. These commissions were appointed to hear the complaints of Indians who stated they had tried to register under Colonel Ward under article 14 of the treaty of 1830 within 6 months after that treaty was ratified, but that Colonel Ward had refused them registration, and because of his refusal the government took their land from them and sold it.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any rights under article 14 of that treaty? A I dont know.
- Q Did any of them receive any scrip from the government, or certificates as we would call them now, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Margaret Cochran-----4

- Q Do you speak or understand the Choctaw language? A No sir, I never was raised with any of them.
- Q Are you related to Christopher C. Hanks? A Yes sir, me and him is cousins.
- Q Are you also related to Jasper Chambers? A Yes sir, he is a half brother of mine.
- Q You would like to have your case considered under the case of Jasper Chambers, would you not? A Well, just the best way; I reckon that would be as good a way as any.

The case of Jasper Chambers, M. C. R 5670, is referred to in this connection for the purpose of consolidation; also the cases of Christopher C. Hanks, M. C. R. 6508, and the case of Charles E. Duff, M. C. R. 8583, are referred to.

- Q What relation is Charles E. Duff to you? A He is my nephew.

30 days time is allowed this applicant for the introduction of other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes, dark complexion.

- Q What was the color of your hair at one time? A Just as black as could be.

Her hair was formerly black, now somewhat gray. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 7th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 11 day of February, 1903.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, July 9, 1903.

Lawrence Bollopue,

Cushing, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23, 1903, in which you ask "Will you be kind enough to inform me if the either of the following names is on the Choctaw rolls that was adopted as 'authentic' for allotments--Mable Barton--Laura Barton--Daughters of one Nathaniel and wife"? You state that the wife was Margurite Cochran.

In reply you are informed that it does not appear from our records that any persons by the names of Mable and Laura Barton are applicants to this Commission for enrollment as citizen or freedmen of either the Choctaw or Chickasaw Nations or for identification as Mississippi Choctaws.

Our records do show, however, that Margaret Cochran made application to this Commission for identification as a Mississippi Choctaw. Up to the present time the Commission has not rendered any decision relative to her right to such identification. As soon as a decision is rendered she will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 18, 1903.

Lawrence Bollopue,

Cushing, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask for information regarding one Margaret Cochran, an applicant to this Commission for identification as a Mississippi Choctaw. You state "I am a legal husband of one Mable Barton - called at home by the name of Mary, who has a sister named Laura. These girls are daughters of one Margaret Cochran. They know nothing of their own people except that their mother was an Indian woman. You ask if they could now get their rights.

In reply you are informed that it appears from our records that on February 7, 1903, at Muskogee, Indian Territory, Margaret Cochran, seventy-five years of age, post office address Spencer, Kentucky, made application to this Commission for identification as a Mississippi Choctaw. At the time Margaret Cochran made said application she stated that her father's name was Henry Evans and her mother's name Lucinda Evans; that they were both dead; that the name of her first husband was Larkin Drake, and her second husband was Miles Cochran. During the taking of the appli-

cation of Margaret Cochran for identification as a Mississippi Choctaw the following question was asked her: "Have you any children you want to make application for?", and she answered "No, sir I have just one child and he registered here yesterday, Henry Drake, maybe you remember him; I never had but two children and one of them is dead; she left three grandchildren, and that is all the descent I have got."

Relative to Mable (or Mary) Barton and sister Laura securing their rights as Choctaw Indians you are advised that the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen by blood of the Choctaw Nation or for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

M.C.R. 6672.

Muskogee, Indian Territory, November 5, 1903.

Margaret Cochran,

Spencer Station, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and that at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6672.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Margaret Cochran that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6672

Muskogee, Indian Territory, March 14, 1904.

Margaret Cochran,
Spencer, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian territory, and S. Heard, Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6672.

Muskogee, Indian Territory, June 26, 1905.

Margaret Cochran,

Spencer, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6672

No. 6672

For Identification as a Mississippi Choctaw.

Date

FEB 7 1903

Name Margaret Cochran

Age 75

Blood $\frac{1}{3}$

Post Office, Spencer, Ky -

Father: Henry Evans, d.

Mother: Lucinda " d.

Claims through mother,

~~husband~~

No 1. Larkin Kerkaskie, d. w.

No 2. Miles Cochran, l. w.

No claim for husband.

~~Children:~~Claims for
self alone

REFUSED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 667

Margaret Cochran

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT,

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF THE

MAR 30 1905

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS

JUN 13 1905

RECEIVED

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

REFER TO M. C. R.

0670

Choctaw MCR 6673

Lizzie Lawson

MCR 6673

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 7, 1903.

In the matter of the application of Lizzie Lawson for the identification of herself and her five minor children, Park, Elsie, Matt, Emma, and Nicholas Lawson, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Lizzie Lawson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Lawson.
Q What is your age? A 28 years old.
Q What is your post office address? A Athol, Kentucky.
Q Have you always lived in Kentucky? A Yes sir.
Q And how long in Athol? A One year.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Andrew J. Bowman.
Q What is your mother's name? A Nancy J. Bowman.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One eighth.
Q You claim your mother was one quarter Choctaw Indian? A Yes sir.
Q Your father made application for your mother yesterday, did he not? A Yes sir, I suppose he did.
Q And also for your sister, Margaret? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Is your husband living? A Yes sir.
Q Is he a white man or is he a Choctaw Indian? A He is a white man.
Q What is his name? A George W. Lawson.
Q You don't make any claim for him? A No sir.
Q Now give me the names of your children beginning with the oldest under age and unmarried? A Park Lawson.
Q How old is Park? A 9 years old.
Q The next? A Elsie Lawson.
Q How old? A 7 years old.
Q The next? A Matt Lawson.
Q How old is he? A 5 years old.
Q The next? A Emma.
Q How old is she? A 3 years old.
Q The next? A Nicholas Lawson.
Q How old is he? A 8 months old.
Q You claim for yourself and 5 children? A Yes sir.
Q Is George W. Lawson the father of these children? A Yes sir.

Lizzie Lawson-----2

- Q Are you and your husband living together as husband and wife and these children living with you at your home? A Yes sir.
- Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children, either to the Choctaw tribal authorities in the Indian Territory, or to the Daves Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q You understand that article, do you, well enough to claim under it? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to a reservation of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw, going as far back as you can, to 1830 if you can? A John Harper and wife.
- Q What was John Harper's wife's name? A Mary Ann Harper.
- Q How much Choctaw blood did John Harper have? A He was a full blood I always understood.
- Q How much did his wife have? A Well, I reckon his wife was a full blood too.
- Q What relation were John Harper and his wife to you? A They were my great great grandparents I suppose.
- Q You claim through your mother? A Yes sir.
- Q She claimed through her father or mother? A Through her mother.
- Q What was her mother's name? A Lucinda Evans.
- Q What was her maiden name? A Hanks I think.
- Q Did she claim through her father or mother? A Her mother I suppose.
- Q What was her name? A Lucinda Hanks.

- Q Was her maiden name Harper? A Yes sir, John Harper's daughter.
- Q And his wife's, Mary Ann Harper? A Yes sir.
- Q Do you know if any of your Choctaw ancestors whose names you have given lived in Mississippi or Alabama in 1830 and had a family there then? A No sir, I dont.
- Q Did any of your Choctaw ancestors go to Colonel Ward with in six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know that.
- Q Did any of the Choctaw ancestors of yours, John Harper, or any others, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today? A I dont know that.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go before a commission appointed in 1837 or before another commission appointed in 1842, by various acts of Congress, and claim any rights under article 14 of the treaty of 1830? A I dont know that.

These Commissions were appointed by congress at various times to hear the complaints of Choctaw Indians who claimed they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to register their names, and because of his refusal to do this the government took their land from them which they occupied in the old Choctaw Nation and sold it.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Do you understand or speak the Choctaw language? A No sir.
- Q How are you related to Jasper Chambers? A He is my uncle.

The case of Jasper Chambers, M. C. R. 5670, is here referred to for the purpose of consolidation.

- Q Are you related to Christopher C. Hanks? A Yes sir, some relation.
- Q What relation are you to him? A I cant exactly tell; we are third or fourth cousins.
- Q Are you related to Charles E. Duff? A I reckon I am.

Lizzie Lawson-----4.

The case of C. G. Hanks, and also Charles E. Duff, M. C. R. 6508 and M. C. R. 6563, are also referred to.

30 days time is allowed this applicant to introduce other proof if she desires in support of this application.

By Mr Harrison, attorney for applicant:

Q Did you ever hear any of your family ever say anything about John Harper going to Mississippi in about 1830 and trying to get land there as an Indian? A No sir.

Q Have you any information whatever that he did that; that he went to Mississippi and tried to get land there as a Choctaw Indian? A I have heard some sketches of that since I have been here.

Q Since you have been here in Muskogee? A Yes sir.

Q On this trip? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has black eyes, medium dark complexion, dark brown hair, nearly black. She does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 7th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 16 day of February, 1903.

Charles K. Sawyer

Notary Public.

M.C.R.6673.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lizzie Lawson that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6673.

Muskogee, Indian Territory, November 5, 1903.

Lizzie Lawson,

Athol, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6681
M C R 6673
M C R 6674

Muskogee, Indian Territory, November 25, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Duff and Drucilla Bowman, offered in support of the Mississippi Choctaw case of Drucilla Duff, et al.

Certified copy of marriage license and certificate between George W. Lawson and Lizzie C. Bowman, offered in support of the Mississippi Choctaw case of Lizzie Lawson, et al.

Certified copy of marriage license and certificate between J. G. Lawson and Cora Bowman, offered in support of the Mississippi Choctaw case of Cora Lawson, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Lizzie Lawson,

Athol, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and five minor children, Park, Elsie, Matt, Emma and Nicholas Lawson, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained for thirty days from the date of the rendition of the decision and that at the expiration of that time will be transmitted together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6673.

Muskegee, Indian Territory, June 26, 1905.

Lizzie Lawson,

Athol, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6673

No. 6673

For Identification as a Mississippi Choctaw.

Date

FEB 7 1903

Name Lizzie Lawson.

Age 28

Blood 1/8

Post Office, Athol. Ky.

Father: Andrew J. Bowman, l.

Mother: Nancy J. Bowman, l.

Claims through mother 1/4.

Husband.

George W. Lawson, l.w.

No claim for husband

Children:

Park Lawson, 9

Epie " 7

Matt " 5

Emma " 3

Nicholas " 8

Claims for self &
5 minor

Stenographer W.H. Martin

FOR IDENTIFICATION
A MISCELLANEOUS OCTAVO

R. 66

Lizzie Lawson et

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED
SECRETARY OF

MAR 22 1905

MAR 22 1905

MAR 22 1905

NOTICE OF DECISION
FORWARDED

NOTICE OF DECISION

Choctaw MCR 6674

Cora Lawson

MCR 6674

#3674

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., February 7, 1903.

In the matter of the application of Cora Lawson for the identification of herself and her three minor children, Ben, Joseph, and Jack Lawson, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Cora Lawson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Cora Lawson.
Q What is your age? A 26.
Q What is your post office address? A Frozen Creek, Kentucky.
Q How long have you lived in Kentucky? A 26 years.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A Andrew J. Bowman.
Q What is your mother's name? A Nancy J. Bowman.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Is she one quarter Choctaw blood? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q Your mother made application yesterday, did she not, through your father, Andrew J. Bowman? A Yes sir.
Q And also your sister, Margaret? A Yes sir.
Q Is Lizzie Lawson your sister? A Yes sir.
Q She made application today, did she not? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his nationality? A He's a white man.
Q What is his name? A Green Lawson.
Q You don't make any claim for him then, do you? A No sir.
Q How many children have you? A Three.
Q What is the name of the oldest? A Ben Lawson.

By Mr Harrison, attorney for applicant:

- Q Is that Ben or Benjamin? A Ben.

By the Commission:

- Q How old is Ben? A 8 years old.
Q What is the name of the next child? A Joseph Lawson.
Q How old is Joseph? A 3.
Q What is the name of the next? A Jack Lawson.
Q How old is Jack? A Just one.
Q You claim for yourself and these three children? A Yes sir.
Q Is Green Lawson the father of these three children? A Yes sir.
Q Are you and your husband living together as husband and wife, and are these children living with you at your home? A Yes sir.

Gora Lawson-----2

- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Well, I dont exactly understand that.
- Q Do you know what a treaty is? A No sir, thats why I dont understand it.

A treaty is a contract in writing or an agreement in writing, and it is called a treaty because it is made between nations.

- Q You know what a contract is, made between people? A Yes sir.

Well, this is the same thing only the parties to it are nations. For instance, the United States government and the government of England or Germany or France can make an agreement. It is put in writing and signed by the representatives of these different nations, then it becomes a treaty. An article in a treaty is one of its paragraphs or subdivisions. In 1830 such a treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of that year. The object of this treaty was to get the consent of the Choctaw Indians to go from the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty. And in order to protect their rights and interests something had to be put into that treaty of 1830; some provision had to be made for those Indians who stayed back there. This provision was made in what is called article 14 of the treaty of 1830. Now that article is the one that you are claiming under today

By applicant: Well, thats what I wanted to understand; I didn't understand how that was.

By Commission: Now that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half

that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with article 14 of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim the right now to be identified as a Mississippi Choctaw? A John Harper and wife.
- Q He was what relation to you? A My great great grandfather.
- Q And she was your great great grandmother? A Yes sir.
- Q How much Choctaw blood did he have? A Full blood Mississippi Choctaw.
- Q How much did she have? A Full blood.
- Q Did they live in Mississippi or Alabama at any time? A I dont know.
- Q Did you ever hear that they lived in Mississippi or Alabama in 1830, and had a family there then? A No sir.
- Q Did either of them go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and tell him that they wanted to register under article 14 of the treaty of 1830? A I have heard that; I dont know how it is.
- Q You have heard it in the family? A Yes sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years, either in Mississippi or Alabama, and at the end of that time get a patent from the government for that land? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know that.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go before the Commission of 1837 or the Commission of 1842 and claim any rights under article 14 of the treaty of 1830? A I dont know that.

These commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who remained in the old Choctaw Nation and who registered or attempted to register under article 14 of the treaty of 1830 within six months after the ratification of that treaty, but because Colonel Ward neglected to put their names on his registry list their land was taken from them by the government and sold at its public land sales. This caused a great many complaints, and the result was the appointment of these commissions.

Cora Lawson-----4

- Q But you dont know whether any of your Choctaw ancestors went before either of them? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article 14, and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Do you understand or speak the Choctaw language? A No sir.

30 days time is allowed this applicant in which to introduce other evidence in support of this application.

- Q Do you want to have your case considered with the case of Jasper Chambers and others? A Well, I dont know; I want it with my father's case.
- Q Your father's name is what? A Andrew J. Bowman.
- Q He made application for his wife, Nancy? A Yes sir.

The case of Jasper Chambers, M. C. R. 5670, is here referred to as an applicant claiming through the same common ancestor.

- Q You are also related to Christopher C. Hanks? A Yes sir.
- Q And Charles E. Duff? A Yes sir.

The cases of Christopher C. Hanks, et al., and Charles E. Duff, M. C. R. 6508 and M. C. R. 6563, are here referred to.

By Mr Harrison, attorney for applicant:

- Q What have you heard, if anything, about John Harper going to Mississippi in 1830 to register to get land as a Choctaw Indian? A Well, I heard that he went there to register and they drove him out and cursed him, and wouldn't let him register.
- Q How did you hear that? A I have heard my connection tell it.
- Q Who was it that refused to let him register, did you hear? A I dont know that.
- Q If you dont know his name do you know what position he occupied? A No sir, I dont know that.
- Q If you never heard his name have you ever heard what position he occupied at that time? A No sir.
- Q When did you hear that he made that application? A I heard it before we came out here, back in Kentucky.
- Q When did he make the application? A I dont know that.
- Q If you have heard that you dont remember now? A No sir.
- Q Did you ever hear of his living in Mississippi? A No sir.
- Q What was the name of his wife? A Mary Ann Harper.
- Q Did you ever hear what her maiden name was? A No sir, I dont believe I ever did.
- Q Do you know what John Harper's Indian name was, if he had any? A No sir.
- Q Did you ever hear where John Harper and Mary Ann, his wife, were married? A No sir.
- Q What information you have about John Harper has been derived from conversations with members of your family, has it? A Well,

Gora Lawson-----5

I have heard of them dressing in Indian clothing and going as Indians, but I didn't know they was Indians untill I heard of this.

Q You get your information from family history? A Yes sir, thats all I know about it.

By the Commission: This applicant appears to be descended from white parentage; her eyes are blue; brown hair; medium light complexion. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee Indian Territory on the seventh day of February nineteen hundred and three and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

W H Martin
Subscribed and sworn to before me this 16 day of February, 1903.

Charles H Sawyer
Notary Public.

M.O.R. 6674.

Muskogee, Indian Territory, November 5, 1903.

Gora Lawson,

Frozen Creek, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.O.R.6674.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Cora Lawson that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6681
M C R 6673
M C R 6674

Muskogee, Indian Territory, November 25, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Duff and Drucilla Bowman, offered in support of the Mississippi Chootaw case of Drucilla Duff, et al.

Certified copy of marriage license and certificate between George W. Lawson and Lizzie C. Bowman, offered in support of the Mississippi Chootaw case of Lizzie Lawson, et al.

Certified copy of marriage license and certificate between J. G. Lawson and Cora Bowman, offered in support of the Mississippi Chootaw case of Cora Lawson, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 6674

Muskogee, Indian Territory, March 14, 1904.

Gora Lawson,

Frozen Creek, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, Ben, Joseph and Jack Lawson, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.O.R.6674.

Muskegee, Indian Territory, June 26, 1905.

Cora Lawson,

Frozen Creek, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6674

No. 6674

For Identification as a Mississippi Choctaw.

Date

FEB 7 1903

Name Cora Lawson

Age 26 Blood 1/8

Post Office, ~~Proton~~ ^{Proton} Creek, Ky.

Father: Andrew J. Bowman, l.

Mother: Nancy J. " l.

Claims through mother 1/4

Husband

Gum Lawson, l.w.

No claim for husband.

Children:

Ben Lawson, 6,

Joseph " 3,

Jack " 1

claim for self
and 3 minors

Stenographer W.H. Martin

AMERICAN INDIAN BUREAU

R. 151

Lora Lawson et

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED

SECRETARY

MAR 14 1905

NOTICE

JUN 13 1905

DEPARTMENT

NO.

NOTICE OF DECISION

Choctaw MCR 6675

Margaret Creech

MCR 6675

28678.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
February 7, 1903.

In the matter of the application of Margaret Greech for the identification of herself and her seven minor children, Amanda, Jessie, Maxie, Enoch, Chap, Cliffie, and Richmond Greech, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Margaret Greech being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Margaret Greech.
Q What is your age? A 35.
Q What is your post office address? A Monica, Lee County, Kentucky.
Q How long have you lived in Kentucky? A I always lived there.
Q How long in Monica? A 13 years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Evans.
Q What is your mother's name? A Paulina Evans.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one quarter? A Yes sir.
Q Has he ever been enrolled or recognized as a Choctaw Indian by any authority whatever in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
Q What is his nationality? A He's white.
Q What is his name? A Jonathan Greech.
Q You don't make any claim for him then? A No sir.
Q Now, give me the names of your children under age and unmarried, beginning with the oldest? A Amanda Greech is 15.
Q The next? A Jessie Greech is 13.
Q The next? A Maxie Greech, 10.
Q Is that a boy? A No sir, she's a girl.
Q The next? A Enoch Greech, 8.
Q The next? A Chap Greech, 5.
Q The next? A Cliffie Greech, 3.
Q Is that a boy? A No sir, that's a girl.
Q Is Chap a boy? A Yes sir.
Q Now the next? A Richmond Greech, 1 year old.
Q Is that all? A Yes sir.
Q You claim for yourself and these children, don't you? A Yes sir.
Q Is your husband, Jonathan Greech, the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.

Margaret Creech-----2

- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you want to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you make this claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article well enough to claim under it? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article or attempt to do so? A No sir.
- Q Whom do you claim through; what is the name of your ancestor that you claim Choctaw blood through? A John Harper and Mary Harper.
- Q What was John Harper's wife's name? A Mary Harper.
- Q Do you know how much Choctaw blood John Harper had? A Full blooded I understood.
- Q How much did his wife have? A Full blooded.
- Q Did John Harper and his wife or either of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830, and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.

Margaret Creech-----3

- Q Did any of your Choctaw ancestors, John Harper or his wife, or any other, live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I don't know anything about that.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A Not that I know of.
- Q Did you ever hear that any of them went to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article 14 of that treaty? A Well, I heard something about him going there.
- Q Can you tell when it was, or give any of the particulars? A No sir, nothing more than he went to register and they drove him away.
- Q Wouldn't let him register? A No sir.
- Q Do you know who did that? A No sir.
- Q Did you ever hear of Colonel Ward, the Indian Agent? A No sir.
- Q Do you know if John Harper or his wife lived in that old Choctaw Nation in 1830 and had a family there then? A No sir.
- Q Did either of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did either of them go before the Commission of 1837 appointed by an act of Congress approved March 3rd of that year, or before a commission appointed by an act of Congress approved August 23, 1842, and claim any benefits under article 14 of the treaty of 1830? A I don't know anything about that.

These commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who stated that they had gone to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article 14 of that treaty, but that the agent had refused to register them, and because of his refusal their land had been taken from them by the government and sold.

In 1842 by an act of Congress approved August 23rd of that year those Indians who appeared before the commission of 1842 and proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold, received scrip; this scrip allowed them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that the government had taken from them in the old Choctaw Nation and sold.

- Q Did any of your Choctaw ancestors get any such scrip as that, do you know? A No sir, not that I know of.
- Q Do you understand or speak the Choctaw language? A No sir.

30 days time is allowed this applicant for the introduction of other testimony in support of this application.

- Q Are you related to Jasper Chambers? A Yes sir, he is my uncle.
- Q Would you like to have his case referred to in this connection? A Yes sir.

The case of Jasper Chambers, M C R 5870, is here referred to for the purpose of consolidation.

- Q Also the cases of Christopher C. Hanks and Charles E. Duff? A Yes sir.

Margaret Creech-----4

The case of Christopher C. Hanks, et al., M C R 6508, is here referred to, also the case of Charles E. Duff, M C R 6563, as relatives of this applicant all claiming through the same common ancestor.

By Mr Harrison, attorney for applicant:

- Q You spoke of the wife of John Harper as being named Mary; did she have any other name? A Not that I know of.
- Q Did you ever hear of her name being Mary Ann? A O, yes sir, Mary Ann Harper, I have heard of that,
- Q Where do you get your information about John Harper trying to register under article 14 for land in Mississippi in 1830 or 1831? A I learned it from those people that talked about it.
- Q Who were they? A Andrew J. Bowman, Henry Ledford.
- Q Your father also? A No sir, my father is dead.
- Q Did you ever hear your grandfather say anything about it? A No sir, I never remember hearing my grandfather.
- Q These people whose names you have given are members of your family? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, fair complexion, brown hair. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830?

W. H. Martin being duly sworn on oath states that as stenographer to the COMMISSION TO THE FIVE CIVILIZED TRIBES he recorded in full the above proceedings at Muskogee, Indian Territory, on February 7, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin
Subscribed and sworn to before me this 16 day of February, 1903.

Charles H. Sawyer
Notary Public.

M S R 6662
M C R 6678

Muskogee, Indian Territory, May 18, 1903.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing the following:

Marriage certificate between Johnathan B. Green and Margaret Evans; affidavits of A. Drake and Caldwell Oaks; and certificate of the Clerk of Breathitt County, Kentucky, offered in support of the Mississippi Choctaw case of Margaret Green, et al.

Certified copy of marriage certificate between Henry Evans and Lucinda Hanks, offered in support of the Mississippi Choctaw case of Nancy J. Bowman.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

M.O.R. 6675.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen :

You are hereby advised that the Commission has this day notified Margaret Creech that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6675.

Muskogee, Indian Territory, November 5, 1903.

Margaret Creech,

Monica, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 4678

Muskogee, Indian Territory, March 14, 1904.

Margaret Gresh,
Monica, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and seven minor children, Amanda, Jessie, Maxie, Moosh, Chap, Cliffie and Richmond Gresh, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.O.R. 5675.

Muskogee, Indian Territory, June 24, 1905.

Margaret Creech,

Henrietta, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6675

No. 6675

For Identification as a Mississippi Choctaw.

Date

FEB 7 1903

Name Margaret Creech

Age 35

Blood 1/8

Post Office, Moniea. Ky -

Father: Henry Evans, d

Mother: Paulina " b.

Claims through

father 1/4
HusbandJonathan Creech, l. w.
No claim for husband

Children:

Amanda Creech 15

Jessie " 13

Maxie " F. 10

Enoch " 8

Chap " 5.

Cliffie " F 3

Richmond " 1

Claims for self & children

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Margaret Creech

DECISION RE...

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION TO APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAR 14 1905

NOTICE OF DECISION TO APPLICANT.

MAR 14 1905

NOTICE OF DECISION TO APPLICANT.

NOTICE OF DECISION TO APPLICANT.

Choctaw MCR 6676

John W. Hanks

MCR 6676

#6676.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
February 7, 1903.

In the matter of the application of John W. Hanks for the identification of himself and his two minor children, McKinley and Samuel A. Hanks, as Mississippi Choctaws.

Thomas A. Harrison, attorneys for applicants.

John W. Hanks being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John W. Hanks.
Q What is your age? A 42 now.
Q What is your post office address? A Spencer, Kentucky.
Q How long have you lived in Spencer, Kentucky? A 5 years.
Q How long in Kentucky? A I was raised in Kentucky.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir, she's dead.
Q What is your father's name? A Fielding Hanks.
Q What was your mother's name? A Sarah Hanks.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One sixteenth I reckon.
Q Your father is one eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No.
Q You are married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her nationality? A She's white I reckon.
Q What is her name? A Ella Hanks.
Q Do you make any claim for her? A No sir.

By Mr. Harrison, attorney for applicant: You said you reckoned your wife was white; now if you will just say whether she is white or not it will save me asking several questions.

By the Commission:

- Q Your wife is white? A Yes sir.
Q How many children have you? A 2.
Q What is the name of the oldest? A McKinley.
Q How old is he? A 8 years old.
Q The next? A The next is Sam, S. A. H. Samuel A. Hanks.
Q How old is Samuel? A 3.
Q You claim for yourself and these two children do you? A Yes sir.
Q Is Ella Hanks the mother of these two children? A Yes sir.
Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
Q When and where were you married to her; have you got the proof of your marriage with you? A Yes sir, I have got the proof. (presents a paper)

Statement under seal of Howard Anderson, clerk of Montgomery County Court, state of Kentucky, by W. B. O'Connell, with reference to the marriage of J. W. Hanks and Ella Gaudell presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is your name or is the name of your oldest child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896, for yourself and children? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you want to now identify yourself and these two children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article? A No.
- Q What is the name of your ancestor that you are claiming through now? A John Harper.
- Q What relation was John Harper to you? A great great grandfather.
- Q You claim through his wife also? A Yes sir.
- Q What was her name? A Mary Ann.
- Q Was she your great great grandmother? A Yes sir.
- Q How much Choctaw blood did John Harper have? A I always heard he was a full blood.

- Q And Mary Ann? A Yes sir.
- Q What was their daughter's name through whom you are making your claim? A Lydia.
- Q Whom did Lydia Harper marry? A She married my great grandfather, Fielding Hanks.
- Q What was the name of their descendant through whom you claim; you claim through your father, and he claimed through which parent? A His father?
- Q What was his father's name? A William Hanks.
- Q And William Hanks claimed through which parent, father or mother? A His father.
- Q What was his father's name? A Fielding Hanks.
- Q What was his wife's name,-- Fielding Hanks? A Why, I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I don't know whether they did or not.
- Q Did you ever hear that any of your Choctaw ancestors lived in that old Choctaw Nation at any time? A No sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A None that I know of, except John Harper was the one that went there.
- Q He went to Colonel Ward? A Yes sir, as I understand.
- Q When did he go to him, do you know? A About 1830.
- Q Was John Harper living in Mississippi then, or do you know? A I think he was living in Mississippi.
- Q Well, do you know? A I don't know for certain.
- Q Did he ever live in Kentucky? A Yes sir.
- Q When did he live in Kentucky? A I don't know.
- Q Where did he die? A I think he died in Kentucky.
- Q Do you know when and where he was born? A No sir.
- Q How old would John Harper or his wife be today if living? A I don't know.
- Q Did either of them live on land either in Mississippi or Alabama in the old Choctaw Nation for five years, and then get a patent from the government under article 14 of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842, which Commissions were appointed by various acts of Congress, and claim any rights under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed because of the complaints made by Choctaw Indians that they had tried to register under Colonel Ward within six months after the treaty of 1830 was ratified under article 14 of that treaty, but that Ward refused to register their names, and because of the refusal of the

had been taken from them by the government and sold by the government. These commissions then heard the complaints of these Indians, and made lists of the names of all who appeared before them.

- Q You dont know whether any of your Choctaw ancestors went before either of these commissions? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had been occupying in the old Choctaw Nation, and which the government had taken from them? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are you related to Jasper Chambers? A Yes sir.
- Q What relation is Jasper Chambers to you? A He was my father's cousin.
- Q He has made application before this commission to be identified as a Mississippi Choctaw; also Christopher C. Hanks,-- are you related to him? A Yes sir, he is my father's cousin.
- Q Is Charles E. Duff related to you? A Yes sir.
- Q What relation? A His father and my father was second cousins.
- Q Do you want to have your case considered with the case of Jasper Chambers, M C R 5670? A Yes sir.
- Q Also the case of Christopher C. Hanks, M C R 6508, and Charles E. Duff, M C R 6563,-- would you like to have all these cases considered in connection with your application? A Yes sir.

30 days time is allowed this applicant for the introduction of other evidence in support of this claim.

By Mr Harrison, attorney for applicant:

- Q Your grandfather, William Hanks, was the son of Lydia and Fielding Hanks, was he not? A Yes sir.
- Q Was Fielding a white man? A Yes sir, he was a white man.
- Q Then if Fielding Hanks was a white man your grandfather did not claim his Choctaw blood through him? A No sir, he claimed through his mother.
- Q Then you were mistaken when you said that your grandfather claimed his Indian blood through Fielding Hanks, his father? A Yes sir, I reckon I was.
- Q You want to make that correction now, and say that he claimed his Choctaw blood through Lydia? A Yes sir, of course.
- Q Lydia being a full blood and Fielding Hanks a white man your grandfather, William Hanks, would be one half blood Choctaw? A Yes sir.
- Q And your father would be a quarter? A Yes sir.
- Q And you would be one eighth? A Yes sir.
- Q Then you were mistaken a moment ago when you said you were a sixteenth? A Yes sir, I see now.
- Q Did you ever hear that John Harper owned a home in Mississippi? A I have heard it, but as the fellow says I never paid any attention to it.
- Q Did you ever hear where that home was and when it was that he owned it? A No sir; I guess in 1850 in the old Choctaw Indian--
- Q If you dont know dont go to guessing about it? A No, no use to say anything about it, is there?

John W. Hanks — 5

- Q What have you heard if anything about John Harper trying to register in Mississippi about 1850 in order to get land as a Choctaw Indian? A I have heard he went there to register, and they wouldn't let him register is all I know about it.
- Q How did you hear that? A I just heard the relatives talking about it, first one and then another.
- Q Did they undertake to tell you the circumstances of that application? A No sir, they never told me no particulars about it at all and I didn't ask for any.

By the Commission: The applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, sandy mustache, ruddy complexion, brown eyes; Has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 7th day of February, 1903, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

W H Martin
Subscribed and sworn to before me this 16 day of February, 1903.

Charles H. Sawyer
Notary Public.

M.O.R.6676.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John W. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6676.

Muskogee, Indian Territory, November 5, 1903.

John W. Hanks,

Spencer, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6676

Muskogee, Indian Territory, March 14, 1904.

John W. Hanks,
Spencer, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and two minor children, McKinley and Samuel A. Hanks, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6676.

Muskogee, Indian Territory, June 26, 1905.

John W. Hanks,

Spencer, Kentucky.

Dear Sir:

You are hereby notified that on the 20th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6676

No. 6676

For Identification as a Mississippi Choctaw.

Date

FEB 7 1903

Name John W. Hanks.

Age 42 Blood 1/16

Post Office, Spencer, Ky -

Father: Fielding Hanks. l.

Mother: Sarah " d.

Claims through father 1/8
Wife.

Ella Hanks, l.w.
No claim for wife.

Children:

McKinley Hanks. 8
Samuel a. " 3

Claims for self.
and 2 minors

RECEIVED

R. 1007

John W. Hanks et

DECISION

MAY 4 1904

CHICKSAND HENS

MAY 4 1904

NOTICE

MAY 14 1904

APPROVED

MAY 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

1007

Choctaw MCR 6677

Millison McIlvane

MCR 6677

#3677.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 7, 1903.

In the matter of the application for identification as
Mississippi Choctaws of Millison McIlvane and her four minor
children, Louisa, Edward, Richard, and James McIlvane.

Thomas & Harrison, attorneys for applicants.

John McIlvane, a white man, being duly sworn testifies
with reference to the application he makes for the identification
of his wife, Millison McIlvane, and their four minor children as
Mississippi Choctaws, as follows:

Examination by the Commission.

- Q What is your name? A John McIlvane.
Q What is your age? A 53.
Q What is your post office address? A Crooks, Kentucky, Bath
County.
Q Is that also the address of your wife? A Yes sir.
Q What is your nationality? A One quarter I reckon.
Q One quarter what? A The blood you say?
Q Yes? A My wife—
Q I am talking about you; are you a white man? A Yes sir, I'm a
white man.
Q You don't claim any Choctaw blood do you? A No sir.
Q What is your occupation? A Farmer.
Q Is it your purpose in appearing before the Commission today to
make application for the identification of your wife and her
children as Mississippi Choctaws? A Yes sir.
Q What is your authority to make this application for your wife
and children? A She claims to have the blood of Indians.
Q What is this paper that you present here? A That's a power of
attorney.
Q Then you claim your right under this power of attorney signed
by her appointing you to appear for her? A Yes sir.
Q Do you want to file this power of attorney in this case? A
Yes sir.

Power of attorney signed by Millison McIlvane, wife of
John McIlvane, authorizing him to represent her claim and her
children before this Commission is presented by him, received,
marked "Exhibit A", and made a part of the record in
this case.

- Q Do you want to file this certificate of your marriage to your
wife? A Yes sir.

Certified copy of the certificate of the marriage of John
McIlvane and Wilson Hanks presented by him, received, filed,
marked "Exhibit B", and made a part of the record in this case.

- Q Is that Wilson Hanks your wife, Millison McIlvane? A Yes sir.
Q The name is spelled different; is it intended for the same
person? A Intended for the same name, yes sir.

Millison Mollvane-----2

- Q You also present what purports to be a doctors certificate signed by A. F. Goodwin, M. D., concerning the physical condition of your wife, have you not? A Yes sir.
- Q This doctors certificate is not properly attested and sworn to before a notary public or other proper officer authorized to administer oaths; will you within thirty days from the date of this application send to the Commission or present to the Commission a doctor's certificate as to the condition of your wife properly sworn to before a notary Public under seal? A Yes sir.
- Q Is this signature, A. F. Goodwin, the signature of a practicing physician in your town? A Yes sir.
- Q You know him? A Yes sir.
- Q He is your family doctor? A Yes sir.

This statement in writing by A. F. Goodwin as to the physical condition of Mrs. John Mackelvain is presented by John Mollvain, received, filed, and made a part of the record in this case, marked 'Exhibit C', with the understanding that a properly executed certificate as to the physical condition of Millison Mollvane will be forwarded within thirty days to the Commission to be filed with the record in this case.

- Q How old is your wife? A 54 years old.
- Q Is her father living? A No sir.
- Q Is her mother living? A No sir.
- Q What was her father's name? A William Hanks.
- Q What was her mother's name? A Louisa Hanks.
- Q Does she claim her Choctaw blood through her father or mother? A Through her father.
- Q How much Choctaw blood do you claim for your wife? A One third I reckon.
- Q How much Choctaw blood did her father have? A He was one half.
- Q She would not be one third then, if her father is one half and she does not claim any Choctaw blood through her mother; she would be one half of one half, which is one quarter? A One, quarter I reckon.
- Q You claim your wife is one quarter then? A Yes sir.
- Q Has her father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I ever heard of.
- Q How many children has your wife? A 5, 4 under age.
- Q What is the name of the oldest under age and unmarried? A Louisa.
- Q How old is Louisa? A 19 years old.
- Q What is the name of the next? A Edward.
- Q How old is Edward? A 18.
- Q Is that a boy? A Yes sir.
- Q What is the name of the next child? A Richard.
- Q How old is he? A 15.
- Q The next? A Jimmie.
- Q A boy? A Yes sir, 13.
- Q Is that all? A Yes sir.

By Mr Harrison, attorney for applicants:

- Q Is that Jimmie or James? A James.
- Q Do you want to change that to James? A Yes sir, you had better call him James, James Mollvane.

By the Commission:

- Q Are these all the children of your wife by you? A Yes sir.
- Q And they claim their Choctaw blood through their mother? A Yes sir.
- Q How much Choctaw blood do you claim for these children? one half of one quarter? A Yes sir.
- Q That would be one eighth? A One eighth.
- Q They get all their Choctaw blood through their mother? A Yes sir.
- Q Are you and your wife living together now as husband and wife, and these children living with you at your home? A Yes sir.
- Q You have filed proof of your marriage to your wife in this case? A Yes sir.
- Q Is the name of your wife or are the names of any of her children on any of the rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Has she ever made application or has application ever been made for her and these children for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Has she or have her children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir, not that I know of.
- Q Do you claim the right to identify your wife and these children under article 14 of the treaty of 1830 as Mississippi Choctaws? A Yes sir.
- Q Do you understand that article? A Yes sir, I think so.

the article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your wife's Choctaw ancestors complied with article 14 of the treaty of 1830? A No sir.
- Q What is the name of the ancestor or ancestors through whom your wife claims the right to be identified with her children as Mississippi Choctaws? A John Harper and wife.
- Q How much Choctaw blood did John Harper have? A Claimed to be a full blood.
- Q How much did his wife have? A Full blood.
- Q What was her name? A Mary Ann.
- Q What relation to your wife was John Harper? A Great grandfather.

Millison-McIlvane-----4.

- Q And Mary Ann her great grandmother? A Yes sir.
- Q Did they live in Mississippi or Alabama in 1830 and have a family there then? A That's my understanding.
- Q Did they ever live in Kentucky? A I don't know.
- Q Do you know how long they lived in Mississippi? A No sir, I do not.
- Q Do you claim they did live in Mississippi? A I claim it by the family talk; the older ones and my wife talked it.
- Q Did any of the Choctaw ancestors of your wife within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and attempt to register under article 14 of that treaty? A I have heard it talked that they did.
- Q Have you any proof except what you have heard in the family? A No sir.
- Q Did they register or not? A They didn't register they say.
- Q Were refused? A Was refused.
- Q By whom? A I never did learn that; but it was the man that had the right.
- Q What was his name? A I never learned his name.
- Q Did he have any Choctaw blood, do you know? A Who, John Harper?
- Q No, this man that refused them? A I don't know.
- Q Did any of them, John Harper, or his wife, or any other Choctaw ancestor of your wife, live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I don't know.
- Q Did any of them claim any land under article 14 of the treaty of 1830 in the old Choctaw Nation? A I don't know that.
- Q Did any of the Choctaw ancestors of your wife go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home or residence in the Choctaw Nation, Indian Territory? A None but John Harper that I know of.
- Q Did they come? A I hear they did.
- Q They went to the Choctaw Nation, Indian Territory, did they? A Yes sir.
- Q When did they go? A About 1830 or '33.
- Q I am talking about the Choctaw Nation in the Indian Territory, not the Choctaw Nation in Mississippi? A No, I don't know about that; they went to Mississippi; I meant Mississippi.
- Q You never heard that they went to the Choctaw Nation, Indian Territory? A No sir.
- Q That's a mistake then is it? A Yes sir.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, at the expense of the government? A I don't know.
- Q Did John Harper or his wife or any other Choctaw ancestor of your wife go before the Commission of 1837 or the Commission of 1842, which Commissions were appointed by various acts of Congress, and claim any rights under article 14 of the treaty of 1830? A No sir, I don't know as I ever heard of that.

These commissions were appointed to hear the complaints of Indians who tried to register under article 14 of the treaty of 1830 within six months after the ratification of the treaty, but because Colonel Ward had refused to register them the government had taken their land from them and sold it. This caused

so many complaints that these Indians finally got these two commissions appointed, one in 1837 and the other in 1842. These commissions went to Mississippi and heard these complainants who complained of being refused registration under Colonel Ward. And these commissions made lists of all who appeared before each one of them respectively.

- Q You never heard that any of your wife's ancestors went before either of these commissions, did you? A John Harper was all.
- Q John Harper went before these commissions? A I hearn that talked about.
- Q What commission, that of 1837? A I reckon it was; I dont know as I know what year it was.
- Q It might have been in 1842? A Yes sir, it might.
- Q You are sure he went before one or the other? A I hearn it.
- Q You are as sure of that as you are that he went before Colonel Ward in 1831? A I couldn't say that.
- Q You dont know much about it I suppose, do you? A No sir, I dont know a great deal about that.
- Q Did any of the Choctaw ancestors of your wife get any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

- Q Does your wife or any of these children speak or understand the Choctaw language? A No sir.

30 days time is allowed in this case for the introduction of other evidence in support of this application.

- Q Is your wife related to Jasper Chambers? A Yes sir.
- Q Do you want to have that case considered in connection with this case? A I suppose so.

The case of Jasper Chambers, M O R 5670, is referred to in this connection.

- Q And also the case of Christopher C. Hanks, M O R 6508, she is related to him? A Yes sir.
- Q And the case of Charles E. Duff, M O R 6563, she is related to him? A Yes sir.
- Q These are all relatives of your wife, claiming through the same ancestors, John and Mary Ann Harper? A Yes sir.

By Mr Harrison, attorney for applicants:

- Q John Harper's wife was also so metimes called Polly, was she not, as you have heard? A No sir, I never hearn.
- Q She might have been called Polly and you not heard of that? A She might have been, but I never hearn it.
- Q You never heard of John Harper going before any commission except the one time did you? A No sir.
- Q You do not undertake to say what time that was? A No sir.
- Q But you have heard that it was for the purpose of registering in order to get land as a Choctaw Indian? A Yes sir.
- Q Did you ever hear that he went by himself or that he and his

Millison Mollvane-----6

wife went together? A I never learned that.

Q If you have stated that he and his wife tried to register in order to get land as Choctaw Indians you were mistaken about that were you? (No response)

Q If you have stated to the Commission that John Harber and his wife both tried to register in order to get land as Choctaw Indians you were mistaken about that, were you? A No sir.

Q Now, who did register that you have heard? A Yes sir, I am mistaken about him registering.

Q Did he try to register or did he and his wife try to register? A I understand he did.

Q Do you remember hearing when he did that? A No sir.

Q Do you remember hearing when he and his wife lived in Mississippi? A No sir, I don't.

Q Did they have any other children besides Lydia? A They had another, but I don't know the name of it.

Q Was its name Polly? A Polly I believe it was.

Q You now remember that they had one other child named Polly; do you remember whether or not he had any other children? A No sir, never heard of him having any more.

By the Commission:

Q Will you give me a description of your wife; whether she looked like a Choctaw Indian in any way or not? A She is dark skinned; black eyes, black hair; small light woman, bony faced woman, deep eyes.

Q What is the personal appearance of your oldest child, Louisa? A She's fair skinned and light hair, tolerably.

Q Blue eyes? A Blue eyes.

Q Edward? A Dark skinned, black headed.

Q How about his eyes? A Dark eyes.

Q Are his eyes black or brown? A Very dark brown.

Q What is Richard's appearance? A Very dark skinned, black head, black eyes.

Q James? A Black eyes and black headed.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 7th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 16 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6677

Muskogee, Indian Territory, February 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing physician's certificate relative to the physical condition of Mrs. Millison Mallvain, offered for filing in support of the application made by her husband, John Mallvain, for her identification as a Mississippi Choctaw. The same has been filed with the record in this case.

Respectfully,

Chairman.

N C R 6677

Muskogee, Indian Territory, November 5, 1903.

John McIlvane,
Crooks, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your wife, Millison McIlvane, and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6677

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John McIlvane that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his wife, Millison McIlvane, and his minor children for identification as Mississippi Choctaws, and at the expiration of said time, this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N C R 6677

Muskogee, Indian Territory, March 14, 1904.

Willison McIlvane,
Creeks, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by John McIlvane for the identification as Mississippi Choctaws of yourself and your ~~four~~ minor children, Louise, Edward, Richard and James McIlvane, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6677.

Muskogee, Indian Territory, June 26, 1905.

Willison Mc Elvane,
Cooks, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6677

No. 6677

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 7 1903

Name *William McIlvane*
 by *John McIlvane - 53*
 Age *54* Blood *A 1/4*

Post Office, *Crook, Ky -*

Father: *William Hanks, d*

Mother: *Louisa " d*

Claims through *father 1/2*

Newband

John McIlvane w.l.

No claim for husband

Children: -

Louisa McIlvane, 19

Edward " 18

Richard James 15

James " 13

Claims for wife.

& 4 children

Stenographer

W.H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R. 667

William McIlvaine

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY 20 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.

JUN 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT
AND CHICKASAW NATIONS.

REFER TO R. 5670

Choctaw MCR 6678

James T. Taylor

MCR 6678

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James T. Taylor, et al., for identification as Mississippi Choctaws, consolidating the applications of:

James T. Taylor, et al.,	M.C.R. 6678
Elizabeth Prewitt, et al.,	M.C.R. 6679
Carrie H. Pipkin,	M.C.R. 6680

I N D E X .

List of papers forwarded to the Secretary of the Interior comprising the record in above case.

	(PAGE)
Original application of James T. Taylor, et al., before the Dawes Commission for identification as Mississippi Choctaws,	1
Affidavit of James T. Taylor,	6
Affidavit of James Lowell,	7
Affidavit of Judah Lowell,	8
Affidavit of Hiram Brummett,	9
Affidavit of Billy Brummett,	10
Original application of Elizabeth Prewitt, et al., before the Dawes Commission for identification as Mississippi Choctaws,	11
Original application of Carrie H. Pipkin before the Dawes Commission for identification as a Mississippi Choctaw,	12

Testimony of Mathias E. Prewit.

19

Decision of the Commission refusing the applications in the consolidated application of James T. Taylor, et al., for identification as Mississippi Choctaws,

22.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 9, 1903.

6672

In the matter of the application of James T. Taylor for the identification of himself and his six minor children, Nellie, Lucinda, Jesse, Henry, Beulah and James Taylor, as Mississippi Choctaws.

Applicant not represented by attorney:

James T. Taylor being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James T. Taylor.
- Q What is your age? A If I live to see the 15th of next August I will be fifty one years old.
- Q You are fifty now? A Yes sir.
- Q What is your post office address? A Thaskerville, I.T.
- Q How long have you lived there? A A little over eleven years.
- Q Where were you born? A In the State of Kentucky.
- Q Where in Kentucky? A Well, in the East of Kentucky, Williamsburg.
- Q From Kentucky where did you go? A Only to the Territory.
- Q And when did you come to the Territory from Kentucky? A Eleven years ago the 15th of last December.
- Q Is your father living? A No sir.
- Q Is your mother? A No sir.
- Q What was your father's name? A Sam Taylor.
- Q What was your mother's name? A Polly Taylor.
- Q Do you claim your Choctaw blood through your father or mother? A Grandmother, mother.
- Q Your grandmother was your mother's mother? A Yes sir.
- Q How much Choctaw blood do you claim? A One quarter.
- Q Was your mother half Choctaw? A Yes sir.
- Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No - I don't know.
- Q Is your wife living? A Yes, my last wife is living.
- Q How long have you been married? A I don't know.
- Q What was your wife's name? A Elizabeth Clark.
- Q Did she have any children? A No.
- Q How many children do you have now? A Six.
- Q What are their names? A Nellie, Lucinda, Jesse, Henry, Beulah and James.
- Q How old is the youngest? A About two years old.
- Q How old is the oldest? A About eleven years old.
- Q For what purpose are you here? A To get my name on the roll.

Q Have you any children under age by your first wife? A Only two.
 Q Give me all those children that you have under age and unmarried beginning with the oldest. A Well, the oldest will be eighteen in May.

Q What is her name? A Nellie.

Q The next? A Lucinda; fifteen now.

Q Are these two children by your first wife? A Yes sir.

Q Now give me the names of the other children. A Jesse (boy) ten.

Q What is the name of the next one? A Henry.

Q How old is Henry? A Nine years old.

Q The next? A Beulah; four past.

Q Next? A James.

Q How old is James? A About seven months old. That's all.

Q Are these the children by your second wife, Sarah? A Yes, the last four.

Q Have you proof of your marriage to your first wife with you?
 A No sir.

Q Have you proof of your marriage to your second wife? A I have not; we married back in Kentucky.

Q Remember the date of your first marriage to Elizabeth? A No sir.

Q Do you remember the date of your marriage to your second wife,
 A We have been married 11 years in December.

Q What day in December? A The 12th I believe.

Q Were you married by a minister under a license to your first and second wives? A Yes sir.

Q You say that Nellie and Lucinda are children by your first wife Elizabeth and Sarah is the mother of these last four? A Yes sir.

Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
 A Not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of these children to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.

Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A Yes sir.

Q The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article of that treaty? A If they did I don't know.

Q What was the name of your ancestor through whom you claim your right to be identified now? A Annie Hollis.

Q What relation was she to you? A ~~ANNE~~ grandmother.

Q How much Choctaw blood did she have? A She claimed full blood.

Q Was she married? A I can't tell you.

Q You don't know whether that was the maiden name or married name?

A That's the only name I can remember.

Q Did you ever see her? A Yes sir.

Q Was she married when you saw her? A Yes sir.

Q When that was her married name? A I don't know; I think not.

Q Was she living in Mississippi in 1830 with a family? A That's what she told me.

Q Do you know whether she claimed her Choctaw blood through her father or mother or both? A Well, she just claimed she was full blood herself.

Q Do you know what her parents' names were? A No sir.

Q Did she go to Col. Ward within six months after the ratification of the treaty and try to register under article fourteen of the treaty of 1830? A I don't know.

Q Did she live on land in that old Choctaw Nation in Mississippi or Alabama for five years and then get a patent to it from the Government? A If she did I don't know it.

Q Did she ever own or claim any improvements on land in that old Choctaw Nation--? A She claimed her home.

Q Do you know where that home was? A She told me it was in the Choctaw and Chickasaw Nation; that's the two places she was in after she left Mississippi; she went from Mississippi to the Territory and then to Kentucky.

Q When did she leave Mississippi and come to the Choctaw Nation Indian Territory? A I can't remember; it was before my birth.

Q You were born in Kentucky fifty years ago? A Yes sir.

Q Then sometime previous to your birth she left Mississippi and went to the Choctaw Nation, Indian Territory? A Yes sir.

Q And then she went from there to Kentucky? A Yes, so she told me.

Q How can you give the date when she went from the Choctaw Nation East of the Mississippi river to the Choctaw Nation, Indian Territory? A No sir.

Q Do you know whether she went from there to the Choctaw Nation, Indian Territory between 1833 to 1840? A She told me she went with the other Indians.

Q Do you know whether she went from there at the expense of the Government or not? A I don't know.

Q Did any ancestor of yours go from the old Choctaw Nation in Mississippi to the Choctaw Nation Indian Territory? A Yes, her mother did.

Q You don't know her mother's name? A Yes; Millie Hollis.

Q That was Annie Hollis' mother? A Yes sir.

Q Did she live in Mississippi in 1830? A Yes sir.

Q And had this daughter, Annie Hollis? A Yes sir.

Q Was Annie Hollis living in Mississippi and married at that time?

A I can't tell you.

Q Millie Hollis then is your great-grandmother? A Yes sir.

Q Was she full blood? Claimed she was.

Q Do you know what Millie Hollis' husband's name was? A I don't.

Q Did she go to Col. Ward and try to register under article 14?

A I don't know.

Q Did she live on land in Mississippi five years and then get a patent to it from the Government? A If she did I don't know it.

Q How old would Millie Hollis be if living now? A I can't tell you; my grandmother was said to be 96 years old when she died 16 years ago.

Q you don't know the name of the husband of Millie? A No sir.
Q Did Millie Hollis or any ancestor of yours own any improvements on lands in the old Choctaw Nation in 1830? A I don't know.
Q When they lived in the Choctaw Nation, Indian Territory, where did they live, do you know? A Well, they was pretty near everywhere in the Territory as far as I know.
Q They led a wandering life then? A Yes; she told me so.
Q and then went back to Kentucky over fifty years ago? A Yes sir
Q Have any of your relatives or ancestors lived here since then? A No sir; only myself and sister here that I know of.
Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved March 3, 1837, or one appointed August 23, 1842, and claim any rights or benefits under article fourteen of the treaty of 1830? A I never heard it.

These Commissions were appointed by various acts of Congress to hear the complaints of the Choctaw Indians who stated that they had gone to Col. Ward within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of that treaty but because Col. Ward had refused to register their names they lost the land which they had formerly occupied in the old Choctaw Nation-the Government took it from them and sold it at Public Land Sale; their claims caused these two Commissions to be appointed.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
Q This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold. Do you speak or understand the Choctaw language? A Not myself; my grandmother could talk it.
Q Annine Hollis? A Yes sir.
Q Could her mother? A They said she could; I don't remember.
Q Did either Millie Hollis or her daughter Annie Hollis have Indian names? A I don't know.
Q You have no attorney, have you? A None at all.
Q Do you want a little time in this case? A Yes to introduce further proof.

(Thirty days time is allowed this applicant in which to introduce further proof in this case.)

This applicant has the appearance of being descended from white parents; dark brown hair; brown mustache; dark brown eyes; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Kains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 9, 1903.

J. V. Taylor---

and that the above and foregoing is a fully true and correct transcript of his stenographic notes in name.

Henry B. Hains

Subscribed and sworn to before me this 12 day of February, 1903.

Charles H. Hays

Notary Public.

#6678.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
March 3, 1903.

In the matter of the application for identification as Mississippi Choctaws of James T. Taylor, et al., M C R 6678.

Additional testimony of Mathias E. Prewit.

Mathias E. Prewit being duly sworn testifies with reference to the application for identification as Mississippi Choctaws of James T. Taylor and his children, as follows:

Examination by the Commission.

- Q What is your name? A Mathias E. Prewit.
Q What is your age? A Sixty-six, will be the first of next June.
Q Sixty-five now? A Yes sir.
Q What is your post office address? A Thackervills, I. T.
Q Are you a white man? A Yes sir, profess to be.
Q You are not an applicant for identification as a Mississippi Choctaw? A No sir.
Q Has your wife appeared before this Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q She has Choctaw blood? A Yes sir.
Q What is her name? A Elizabeth Prewit.
Q Have any other members of your family been here? A Carrie Pitkin has.
Q What relation to you? A My daughter.
Q Any other members of your family? A No sir, none of the rest of them been before the board.
Q What relation is James T. Taylor to you? A Brother-in-law.
Q You want to have your testimony then filed in the case of James T. Taylor and the applications of your wife and your daughter? A Yes sir, and the rest of my children.
Q They have appeared then, have they? A They are minors, you know.
Q What do you know about James T. Taylor having Choctaw blood? A I know his parents, and I dont know they was Choctaws but what I have heard talk.
Q Through which parent does he claim Choctaw blood? A Through his grandmother.
Q Through which parent? A His mother.
Q What was her name? A Her name was Pelly, or sometimes called Mary.
Q Mary or Pelly what? A Taylor.
Q What was her maiden name? A Hellars.
Q How do you spell that? A H-e-l-l-a-r-s.
Q Through whom did she claim her Choctaw blood? A Her mother.
Q What was her name? A Annie Hellars.
Q H-e-l-l-a-r-s? A H-e-l-l-a-r-s.
Q Through whom did Annie Hellars claim her Choctaw blood? A By her mother.
Q What was her name? A Millie Hellars.
Q Do you know whom she claimed through? A No sir, I dont.
Q You cant go back any further than Millie? A I knew her mother's name, but I dont know whether she got it from her mother or not; her mother was named Brown.
Q Full name? A I cant give her full name, nothing only Brown.
Q How much Choctaw blood did this woman Brown have? A I suppose she was full; I dont know; this man Taylor's grandmother claimed full blood.

James T Taylor-----2

- Q How much Choctaw blood did Millie Hollars have? A According to what her mother said she was a full blood.
- Q How much Choctaw blood did her daughter, Annie Hollars, have? A She was a full blood herself; she could talk Injun as good as anybody.
- Q Then Annie claimed through both father and mother? A Of course she did. She didn't say anything about her father noway and nohow, but I knowed her mother myself.
- Q Do you claim Annie Hollars was a full blood? A She says so herself is all I know.
- Q Are you sure that name is spelled H-o-l-l-a-r-s; in the application made by James T. Taylor it is spelled H-o-l-l-i-s? A That's the way they always sign their names; that's the only way you could spell Hollars; they always went by the name of Hollars.
- Q You think H-o-l-l-a-r-s is the proper spelling? A I think so; I don't know, but the best I can tell it is.
- Q Now, you knew Annie Hollars? A Yes sir.
- Q Did you know Millie, her mother? A Yes sir.
- Q Did she look like an Indian? A She looked like an Indian of course.
- Q How did she look? A She was very dark, high cheek bones, black hair.
- Q Did she speak Choctaw? A Well now sir, I don't know whether she spoke Choctaw or not.
- Q You must have been pretty young then? A I was young, but when she died I was a good big lad twelve or fourteen years old.
- Q You never knew whether she spoke Choctaw or not? A No sir, I don't know that.
- Q What was Annie Hollars Husband's name? A I couldn't tell you that; of course his name was Hollars.
- Q If she was the daughter of Millie Hollars her maiden name must have been Hollars, and she must have married a man by some other name? A I think she told me her husband's name was Zachariah Hollars.
- Q Hollars was her maiden name; how could her husband's name have been Hollars? A Lots of people marry that way.
- Q How is that, keep their maiden names? A I have knowed people named Prewit to marry a man named Prewit the same name as herself.
- Q Did she do that? A I don't know; I couldn't tell about that.
- Q Do you know whether Millie Hollars or her daughter Annie Hollars lived in Mississippi in 1830 and were the heads of families there then, or either of them? A I can't answer that question.
- Q Did either of them go to Colonel William Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A I don't know about that.
- Q Did either of them live on land in Mississippi or Alabama in the old Choctaw Nation for five years after the ratification of the treaty of 1830, and then get a patent from the government? A I don't know anything about that.
- Q Did either of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by James T. Taylor, and your wife and daughter? A I couldn't tell you sir.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of the Choctaw ancestors of James T. Taylor or of your wife or daughter go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A I couldn't tell you.

James T Taylor-----4

These commissions were appointed, one in 1837 and the other in 1842, for the purpose of hearing Choctaw Indians who claimed they had registered or attempted to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to allow them to register, and because of his refusal these Indians lost their land in the old Choctaw Nation; it was taken from them by the government and sold at its public land sales.

Q Did any of the Choctaw ancestors of James T. Taylor of your wife or daughter receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 25rd, 1842.

Q Is there anything more you want to say now in support of this application of James T. Taylor? A No sir, I have told you all I know anything about.

Witness excused.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 9 day of March, 1903.

[Signature]

Edward Merritt
Notary Public.

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COPY.
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James T. Taylor, et al., for identification as Mississippi Choctaws, consolidating the applications of:

James T. Taylor, et al.,	M.C.R. 6678 ✓
Elizabeth Prewitt, et al.,	M.C.R. 6679
Carrie E. Pipkin,	M.C.R. 6680

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James T. Taylor for himself and his six minor children, Nellie, Lucinda, Jesse, Henry, Beulah and James Taylor; by Elizabeth Prewitt for herself and her three minor children, Henry, Julia Ann and Nellie Prewitt, and by Carrie E. Pipkin for herself under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

of Millie (or Miley) Hollis (or Hollars or Henderson), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the one above given, who they allege, was the great-great-grandmother of the principal applicant herein and who is alleged to have been a full blood Choctaw Indian, but they are only able to give the surname of this ancestor and it is therefore impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder that the said Millie (or Miley) Hollis (or Hollars or Henderson), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James T. Taylor, Nellie Taylor, Lucinda Taylor, Jesse Taylor, Henry Taylor, Beulah Taylor, James Taylor, Elizabeth Prewitt, Henry Prewitt, Julia Ann Prewitt, Mollie Prewitt and Currie E. Pipkin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

CHAIRMAN.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskegon, Indian Territory.

AUG 7 1903

James T. Taylor, et al.)

vs)

The Choctaw Nation.)

TO THE HONORABLE SECRETARY OF THE INTERIOR, and
TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the consolidated case of James T. Taylor et al., and
M.E. Prewitt et al., for identification to enrollment as
Mississippi Choctaws, before the Commission to the Five
Civilized Tribes.

Comes now James T. Taylor, Charlie Taylor, Mollie
Fowler nee Taylor, Lucinda McBurnett nee Taylor, Henry Taylor,
Beulah Taylor, James Taylor, John Taylor, Maud McBurnett,
Lucinda and Boyd McBurnett, M.E. Prewitt nee Taylor, Henry
Prewitt, Carry Prewitt, Julia Prewitt, Mollie Prewitt, and
Ann B. Prewitt, and respectfully petitions
the Honorable Secretary of the Interior, for his supervisory
authority, to the end that their case may be reopened, revised,
reconsidered and readjudicated, and for enrollment, upon the
final rolls of the Choctaw Nation, as citizens of the said
Choctaw Nation, Indian Territory.

As grounds for same,

applicants respectfully represent that Annie
a full blood Choctaw Indian, residing in the Choctaw Nation
Mississippi, was legally married to Eschra Hollis, and they
had born to said union Polly Hollis, Jack Hollis, Bert Hollis,
Willie Hollis, Edith Hollis, and Jesse Hollis.

Polly Hollis, daughter of Eschra Hollis and Annie Hollis
was legally married to a white man, James T. Taylor, and
Polly Hollis his wife, a full blood Choctaw Indian, and

had born unto their said union, James T. Taylor, and

Henry Taylor, and John Taylor, and Maud McBurnett,

Lucinda and Boyd McBurnett,

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this petition and their children. Zacaria Hollis and Annie Hollis, the grand-father and grand-mother of these applicants were native Mississippi Choctaw Indians, and all of their children as above indicated were born in the Choctaw Nation Mississippi, to the allegiance of their parents, and to the Choctaw Tribe of Indians. Zacaria Hollis, and his wife Annie Hollis, grand-parents of these applicants, moved from the State of Mississippi, direct to the Indian Territory, when their children were small. Polly the mother of these applicants, was born in the Choctaw Nation, Mississippi, to the allegiance of her parents and grand-parents, and to the allegiance of the Choctaw Tribe of Indians.

Zacaria Hollis and Annie Hollis, with their daughter Polly Hollis, who is the applicants mother, went to Kentucky, and Zacaria Hollis and Annie Hollis, or grand-parents, there sickened and died, and Polly Hollis their daughter, and Polly Hollis their daughter married a man by the name of Sam Taylor, and these applicants were born unto said union.

Applicant J.T. Taylor, has been residing in the Indian Territory, with his family continually for seventeen (17) years last, past, and M.E. Proxitt with his family has been residing in the Indian Territory, for eight (8) years last, past.

Applicants respectfully represent that they knew nothing of the creation of the Dawes Commission, nor nothing of the Acts of Congress in 1896, neither did they know that it was necessary for them to apply to said Commission in 1896 for enrollment, upon the Choctaw rolls of the Indian Territory, until long after the time had expired, in which they were permitted to make application, and was informed that it was proper for all Indians to apply to said Commission for enrollment, they took advantage of the first opportunity and made application, to said Commission for enrollment, upon the legal rolls of the Choctaw Nation, Indian Territory.

Applicants also represent that in applying to said Commission for enrollment, they did not include a Choctaw roll of the Indian Territory.

3

At the time of making application, the mother of these applicants, and all their fore-parents having been born in Mississippi, and Choctaw Indians by blood, were certainly Mississippi Choctaws, whether they were 14th Article Choctaws or not, and were Choctaws also by blood, (1st) because of birth and allegiance, and (2nd), because of blood inherited by birth, we thought it was inseparable and if entitled as Mississippi Choctaws, are as Choctaws by blood, either that we would be enrolled upon the rolls of the Choctaw Nation, our information was that this was the business and the duty of the Commission to the Five Civilized Tribes, to enroll all such persons. Our opinion is, that our grand-parents were beneficiaries, under the 14 Article of the Treaty of 1830, but we do not know for certain, as we have no access to any Government records to learn these facts, but whether they were or not, we do know, that our ~~grandmother~~ grand-mother Annie, was a full blood Choctaw Indian.

Applicants respectfully represent, that under the Treaties of 1830 and 1866, they are entitled to enrollment, and there has been no act of Congress abridging that right, until 1902, and that does not apply to these applicants, because of it having been passed, long after their application, and because that they were not parties thereto, and Thirdly, because of the Act of Congress of 1871, which declares that the Government of the United States, shall never again enter into a Treaty, with any Indian Tribe within the limits of the United States Government, and this law has never been repealed, but is yet in force.

Applicants further claim, that under the decision of the United States Attorney General, recently rendered in the Lula West case, the Perry case, the Coleman case, the Thompson case, the Benjamin Vaughn case, the Mary Elizabeth Martin case, the Oliver J. Sims case, and especially the Scott S. James case, and particularly the James E., Joseph, Perbie, and Lula F. Long case, all of which are approved as being correct, by your Honor
E. A. Minkley, Secretary of the Interior.

Again, in accordance with the laws, usages and customs, of
our tribe, the Choctaw Indians, and because of our long residence,
in the Indian Territory, and because of our blood being
thoroughly proven, as shown in the original records in said case,
now on file at the Department, to which your Honor is referred
and asked to scrutinize closely, we are entitled to enrollment,
Wherefore, We pray your Honor, that our case may be reopened,
revised, reconsidered, and readjudicated and for enrollment
upon the rolls of the Choctaw Nation.

In proof of the foregoing, as to the Long case, we
hereto attach a copy of the decision of the Attorney General,
in the Long case, and make it a part of this petition, as
follows to wit:-

(I)

The Attorney General in the Long case, for enrollment as a Mississippi Choctaw, other than those claiming under Article 14, of the Treaty of September 1830 (7th, Stat. 535) and their descendants to reunite with the Nation, cites the Act of June 28, 1894 (50 Stat. 495, 503), which provides:

No person shall be enrolled, who has not heretofore removed to, and in good faith, settled in the Nation, in which he claims citizenship, provided, however, that nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws, may have under the laws or Treaties, with the United States".

He further states in this case, "There is thus, provided the rights of descendants in the third generation, asking restoration to political relation with their Tribe, from which their ancestors became, by voluntary Act, or by operation of law, disserved-

It is a matter of history that the migration of the Choctaw people from their ancient to their present western seats, was not at one time by all of the Tribe, nor yet at one time by those elements of it whose descendants now constitute the Choctaw Nation. Only about one-half of the Tribe left their old seats in the first general movement in 1831 and 1832. The United States transported various bands, and some parties migrated at their own expense. The records of the Indian Office show that in 1845 and 1855, the Choctaw Nation, as now constituted, presented claims, against the United States, arising out of these migrations. That the present Choctaw people did not, at the time of migration, nor for a long time thereafter, regard those who failed to migrate as privileged to possess and share the tribal lands and property equally with themselves, however they should migrate, is evident from the legislation of the Nation. As early as October 24th 1837, Congress passed a law the purpose of which was to prevent the Choctaw people from the tribal lands from the citizens of the United States.

Choctaws were not regarded as intruders, but as having rights, without special act of Council, to appropriate tribal lands, and to purchase improvements thereon, October 14, 1847. "The late and new descendants". (ib p 96) were declared to have equal rights, with the old settlers in the schools of the Nation. This was not a grant or concession, but a mere declaration of right, not of right as residence, or as Indians, but as Choctaws, for by the resolution of October 11, 1858 (ib 177) other Indians (Creeks) were regarded as intruders, and were asked to be speedily removed.

The Choctaw Nation, and Government, as now existing, was organized under a constitution, drafted by a convention, assembled January 11, 1860, pursuant to the Act of October 24, 1859, by the Choctaw Council. The preamble to the instrument, declared

That:— "We the representatives of the people, inhabiting the Choctaw Nation, contained within the following limits to wit:.....do ordain and establish the following constitution, and form of Government, and do mutually agree with each other to form ourselves into a free and independent Nation, not inconsistent, with the Constitution, treaties and laws of the United States, by the name of the Choctaw Nation."

The first Article of the Bill of Rights declared that: "All free men when they form a social compact, are equal in rights". and all free citizens of eighteen years and upwards, who has been citizens six months, and residence in their election district, at least one month, was declared qualified electors, by section V, Article VII.

There was nothing in this instrument defining citizenship, in the Choctaw Nation, how it might be acquired or lost, or limiting the exertion of it, as to such residents of its territory, as were the members then of the Choctaw tribe. If it was so intended, and as to be so limited by construction, it must be so done from consideration of matters, outside the instrument itself. Upon its face it embraces all "inhabiting" the territory, within its defined boundaries, and by the same word, excluded all persons, Choctaws or not, not "inhabiting" these defined limits. The Choctaw Nation, however, was not

solicit a reintegration of the absentees, of the Tribe into the Nation, when allotment of the Choctaw-Chickasaw lands was contemplated, by the Treaty of 1866 (14 Stat, 769) Article XIII, provided by newspaper publications of notice in six states in the Union. To the end that such Choctaws and Chickasaws that yet remain outside the Choctaw and Chickasaw Nations, may be informed and have an opportunity, to exercise the rights hereby given, to residence Choctaw and Chickasaws. This was conditioned upon the absentee, taking up an actual residence in the Nation, within five years, after selection of his allotment. By Article IV "Every Choctaw and Chickasaw" (not citizens or residence merely) was given a ninety days preference right to select a quarter section of land.

No restriction or condition was imposed upon anyone claiming Choctaw descent, establishing residence in the Nation and thereby acquiring full rights of citizenship. October 18, 1878, (laws 1887, 173,) a tribunal for citizenship was established and the act provided that: "Any person who is not recognized as a citizen of this Nation, or of Choctaw descent, and claiming to be citizens, or of Choctaw descent, shall petition to the General Council during the regular session thereof, for the rights and privileges of citizenship, of the Choctaw Nation."

Such petitioner shall prove his or her blood, or other means by which they claim citizenship, by not less than two good, respectable, disinterested persons, before a proper committee, or the Chairman thereof; and the Chairman or Secretary of Committee, shall have power to administer, any and all oaths, that may be necessary in conducting the investigation. The Committee appointed, to be appointed by the General Council, and to report to the body, by not or resolution, or otherwise, in reference to the petition or petitions, or the person or persons, claiming to be citizens or to have been citizens, and in the event of the finding of such report or reports, shall be, then such person or persons, shall be admitted or

deemed to be bona fide citizens of the Choctaw Nation.

The peculiar wording "or" of Choctaw descent, "itself implies that one of acknowledged descent became a citizen by mere settlement in the Choctaw Nation." The Act of October 2, 1888, (1b 174) gave an appeal in such cases from adverse action of the Council, to the United States Indian Agent. Until after this time, the right to become a Choctaw citizen, seems to have been fully and unqualifiedly conceded to all persons of Choctaw descent, by mere settlement and residence in the Nation, the only procedure required being for record proof of the right, which arose as of course, upon proof of the facts, of descent and residence.

An Act, apparently of November 1886 (laws 1894, 266) imposed a restriction of one-eighth Choctaw blood as necessary to requiring citizenship in the Nation.

Section 4, significantly provided: "That this act shall not be so construed to effect persons within the limits of the Choctaw Nation, now enjoying the rights of citizenship, "thus showing that persons of Choctaw descent, entitled to be recognized as citizens, but not yet formerly recognized by the Council, "enjoying" and entitled to "enjoy the rights of citizenship".

An Act. of October 20, 1888 (1b 227) , constituted a tribunal for citizenship, by a Committee of the General Council, and still recognized that satisfactory proof of Choctaw descent and residence in the Nation, entitled an applicant to full recognition as a Choctaw citizen.

The section of this Act provides:

"It is hereby made the duty of the Sheriff of each County, in this State, to ascertain the number and names of persons, or persons in their respective counties, who claim Choctaw rights, by descent or otherwise, and who have never established the same in accordance with the laws of the Nation, and report the same to the Council of the Nation, and the Council of the Nation shall call to order with the same."

intruder, and shall be removed beyond the limits of the Nation forthwith, by the Principal Chief.

An Act of the same day (1b. 228) made the Action of the Council, upon application for citizenship final. This Act however, did not deny the right of an absentee Choctaw, to acquire citizenship by taking up residence in the Nation, but made the Council the final tribunal upon sufficiency of proof.

As late as December 24, 1889, the Choctaw General Council memorialized Congress by a resolution that: Whereas, there are large numbers of Choctaws yet in the states of Mississippi, and Louisiana, who are entitled to all rights and privileges of citizenship in the Choctaw Nation, and, Whereas, they are denied all rights of citizenship in said states therefore, BE IT RESOLVED, by the General Council of the Choctaw Nation, assembled; That the United States Government, is hereby requested to make provisions for the emigration, of said Choctaws from said States, to the Choctaw Nation."

This policy was maintained by Act of April 8th, April 9th, and October 27th 1891, Mrs Annie Boyd and others, Cornelius Hickman and others, and Henry Lewis, Mississippi Choctaws, late arrivals, were simply "recognized" by resolution of the Council as citizens (laws 1890, pgs. 320, 313, 329). This form "declared" or "recognized" rather than "admitted" was the usual one, and was used in the Acts, of declaring Mrs. Mayo and family, Joseph H. Plummer, Caroline Hazel and others, and Lucy Dodson and others, entitled to citizenship (laws 1883, Pgs. 35, 45, 54.)

It was always regarded as a matter of right of such persons, not of grace or grant, in the future of adoption, admission or naturalization of aliens. . This policy seems not to have been changed, until October 15, 1895, when the Council adopted the resolution laws (laws 1895, page 44) that: Be it resolved by the General Council of the Choctaw Nation assembled, That all persons who claim citizenship in the Choctaw Nation, and

file their petition as the law directs on or before November 15th 1896, as after said date no petitions will be entertained, by the Choctaw Nation and all parties who have their petitions filed, are hereby notified, that they must come forward and prosecute the same at once."

September 18, 1896, (ib page 45) An Act was passed by the Choctaw Council for appointment by the Principal Chief of three citizens by blood, by a Commission to proceed, within ten days after its passage "To enroll all recognized citizens of the Choctaw Nation", and Section 8, provided: "Be it further enacted, that the rolls, when completed by said Commission, shall be certified by said Commissioners, and delivered to the Principal Chief, of the Choctaw Nation, on or before the Twentieth day of October, 1896, to be revised and approved by the next General Council, of the Choctaw Nation. Such a roll was made and prepared by the Commission and is known as the 1896 Census Roll. As stated by the Principal Chief of the Choctaw Nation, in a letter of July 22, 1897, to the Commission, there is "Only one authenticated roll of citizens, and that is the one approved by the legislature in 1896." This I infer, was the roll prepared under the Act of September 18, 1896.

The view taken by the United States Courts for the Indian Territory, acting on cases appealed from decisions of the Dawe Commission, in citizenship cases under the Act of June 10th 1896 (20 Stat. 335), was that (1) Miscellaneous (or absentee) Choctaw, whose ancestors or themselves, had never removed to the Nation were not entitled to be enrolled, but (2) that one who had heretofore actually removed to the Nation was entitled to be enrolled as a citizen, with all rights, except those who had taken benefit of the 14th article, of the Treaty of 1846, 1847, 1848, (7 Stat. 333, 334) were entitled to the same rights. See also 21 Stat. 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

As an evidence that the Choctaw people themselves, took this view of the question, attention is called to the fact, that their Council passed many Acts, inviting those absent Choctaws, to remove into their Country, and, on one occasion appropriated a considerable sum of money; and until the past two or three years have always promptly placed those did not return on the rolls of citizenship, but never enrolled an absent Choctaw Indian as a citizen, page 18.

The reason of this conclusion is, to my mind, morally certain, that it is to be remembered that ever since the Treaty of 1830, now for a period of nearly sixty-seven years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued, that by custom they have become crystallized into law, having universally admitted that all who should remove and rehabilitate them in all their rights and privileges of citizenship enjoyed by themselves.

The only limitation imposed by Congress, and the Laws of the United States, is the provision of the Act of June 28, 1898, (30 Stat. 495, 503), that: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

So far as a bar is raised by the Laws of the United States, it is sufficient if a claimant to citizenship in the Five Civilized Tribes, removed to and permanently settled in the Indian Territory, wherein he claims to be enrolled prior to June 30th 1898. This we did.

Subject to the power of Congress, the Indian Nations are self-governing communities, entitled to manage and control their own affairs, such as citizenship, rules of descent, revenue and criminal procedure, Reff YB Surrency (188 U.S. 218, 222) citizenship cases U.S. Courts, Indian Territory (Annual Report Commissioner of Indian Affairs, 1898, pages 472, 489, 525; Jones V Mahan (175 U.S. 1.); Buster V Wright, Indian Inspector, Sanborn Jr. Eighth Circuit, March 7, 1905; Talton V Mayes (163 U.S. 378, 381); U.S. V Kagawa (118, U.S. 378, 381).

Except as above limited, it is wholly a matter of Choctaw law, when a Choctaw by blood, becomes separated from the Nation and lost regard to re-admit himself to it. Congress as directed the Commission, and by Act of June 10, 1900, (32 Stat. 321,

322) provided: "That in determining all such applications,

said Commission shall respect all laws of the several Nations

or Tribes, not inconsistent with the laws of the United States, and all treaties with either of said Nations or Tribes, and shall give due force and effect to the rolls, usages and customs of each of said Nation or Tribe.

As the Choctaw Nation, up to November 15, 1895, was continually inviting the absentee to reunite themselves with its body and accept its citizenship, and applicants accepted that invitation and permanently settled in the Nation, it was their right under the Act of 1898, supra to be enrolled by the Commission to the Five Civilized Tribes, or by the "legally constituted Court or Committee designated" by the Tribes, if they made application within three months from the passage of the Act.

By the usages and customs of the Choctaw Nation of sixty years standing, crystallized into law, "they were entitled to be recognized", as its citizens. This enrollment was not an admission to citizenship, but merely the recognition of citizenship existing.

Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) provided that:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other Tribes, eliminating from the Tribal rolls, such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such inter-married white persons, as may be entitled to Choctaw and Chickasaw citizenship, under the laws and treaties of said Tribes."

I am of the opinion that the Commission erred in its application of the law, to the facts, as above shown, until November 15, 1895, the usage and custom of the Choctaw Nation, for more than sixty years was to recognize absentee Choctaws, upon their removal to any permanent settlement in the Nation, as entitled to citizenship, by the usage of the Tribe, necessary. When applicants removed to the Nation, in 1895, they thereby became citizens. The Council could not, by prohibiting its members by enrolling a class of citizens, as in 1895, except its own non-action, decide that those who, in 1895, were citizens, I would have no hesitation in saying that such arbitrary action, was beyond its power, and is therefore illegal.

of Section II, of the Bill of Rights, of the Choctaw Constitution as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard.

But a more appropriate and proper construction of the 7th prohibiting clause in the Act of October 30th 1896, above quoted is that, it was intended to apply to cases of non-citizens who had applied for admission or adoption into the Nation, and whose claims had not been heard and found to be undoubted, and whose claims had been rejected, so construing the prohibition was a proper exercise of legislative power, but had no application to those who, by tribal usage, became citizens by reuniting with the Nation in 1894. In putting the omitted names of such persons on the roll, the Revisory Board, and the Governor in so advising, were not acting properly and within their powers, I am therefore, of the opinion, that applicants were not enrolled without authority of law, and certainly not by fraud, and the Commission erred in denying the enrollment.

There were not regular Tribal rolls kept from father to son, or from ancestry to descendants, in the Choctaw Nation, during the year 1830 to 1890. And that during the year after the removal of the Choctaw people from Mississippi, invitation after invitation was sent out by the Choctaw Nation, and it was understood, that all who would, could remove to the Choctaw Nation, in the Indian Territory. Their rights have never been questioned, the fact of blood being apparent and undoubted, and that they are and were a portion of the Choctaw people, to whom it was the intention of Congress to distribute equally the Choctaw lands in the Indian Territory. That your petitioners are entitled to a reception at the Honorable Secretary, in said case, upon the regular question involved with relation to the consideration and weight, to be given to the presumption or evidence. The right of these applicants is Choctaw by blood, entitled to enrollment upon the rolls of the Choctaw Nation, was never passed upon by the Commission.

the Five Civilized Tribes, SOLELY BECAUSE OF THE FACT, THAT THEY FAILED TO APPLY WITHIN THE TIME PROVIDED BY LAW OF 1896.

Said failure was not on any account of any fault of these applicants as they knew nothing of said requirement until long after the time for application under said law had expired.

The Attorney General says in the case of Scott & Dunne et al, and application for identification as Mississippi Choctaws and said holding approved by the Secretary of the Interior, says: The lack of record evidence of the right cannot bar one entitled to the benefits, and that it necessarily follows that any competent secondary evidence, by parole or otherwise, may be availed, or to prove said right; also the Secretary holds in the Richard E. Coleman et al case, says: "That the Commission is authorized and directed to make correct rolls, of the citizens by blood of all the other Tribes, eliminating from the Tribal Rolls such names as may have been placed thereon, by fraud, or without authority of law."

Again, in same case he says: "That Congress in the legislation defining the duties of the Commission, declared that the Commission shall respect all laws of the several Tribes, not inconsistent with the Laws of the United States, and shall give due force and effect to the rolls, usages and customs of each of said Nations or Tribes."

Again in same case he says: "One knows nothing of his lineage, and it is always a matter of doubt."

The Secretary holds in the Richard E. Coleman et al case, that knowledge of birth is obtained by evidence of the lineage of the parent.

So further, when one is born, so the rolls are made, and it is not possible to know the lineage of the parent.

(II)

The Treaty of 1830, secured to these applicants, enrollment. The Treaty of 1835, co-operates with the Treaty of 1830. And, again the obligation of the Government, was renewed in the Treaty of 1838.

Article I

In pursuance to the Act of Congress, approved May 28, 1830, the United States do hereby, forever secure and grant, the lands embraced within the said limits, to the members of the Choctaw and Chickasaw Tribes, their heirs and assigns, to be held in common, so that each and every member of either Tribe, shall have an equal and undivided interest in the whole.

Now applicants, who under the above title of this property we think are equal owners and co-tenants, with the other Indians of said tribe, and therefore their rights in this land, under this Treaty, as has been heretofore held, by the Supreme Court, of the United States, is a vested right, and that any vested right, in this land can be affected legally, by any Acts of Congress, or by any Treaty, to which they are not a party.

The United States Supreme Court says:- The law of the United States statutes, should not be so construed, as to impair rights, secured by treaty, or to violate plighted faith of the Government. And this, the United States Supreme Court, declared in the case of Chew Heong vs The United States, 112 U.S.R. 538-549, where the following language was used: "For since the purpose avowed in the Acts, was to faithfully execute this Treaty, an interpretation of its provision would be rejected, which imputed to Congress and intention to disregard the plighted faith of the Government, and consequently ought to be rejected, that construction, which recognized and gave Treaty rights, secured by Treaty."

Applicants legally acquire vested rights, and are entitled to the same, under the Treaty of 1830, 1835, and 1838, which the Government has solemnly sworn to execute.

of legislative power. It was strictly a right of property growing out of Treaty stipulation, and as such, it could not be rightfully taken away, except by the consent of the appellant.

The Court further says:- It is not permitted, to so construe a law, the terms and provisions of a statute, so that injurious and wrong, shall be inflicted by means of the construction of its general provisions.

This proposition was declared, in the case of the United States VS Kirby & Wall, 482-484, where the United States Court used the following language: "All laws should receive a sensible construction, general terms should not be so limited in their application, as to lead to unjust oppression or absurd consequences".

Again the latter clause of the 14th Article, of the Treaty of 1820 reads:- "When well founded doubt shall arise, it shall be construed most favorable toward the Choctaws, (which in these applicants.)"

Now we fail to see how the Commission or the Department can reject these claimants, without disregarding the foregoing opinion of the Attorney General, and also of the decisions, as indicated by the Supreme Court, and the later clause of the 14th Article, of the Treaty of 1820.

The Court further says:- The insertion in the Treaty, of the word "right" must unmistakably, that every thing demanded by natural justice, was meant to be secured to all Choctaw Indians, and their descendants, as well as to all civilized citizens of the Choctaw Nation.

Article 3, of the Treaty of 1820, ceded all the lands east of the Mississippi River, for the lands west of the Mississippi River, therefore, all the lands ceded, being the common property of all the Choctaw Indians, taken into the Indian Territory, for which their property was ceded, the property of all the Mississippi Choctaws, and their descendants, in accordance of the 14th Article, people, and all Choctaw Indians.

inclusive, and conditions imposed by Congress, upon Choctaw claimants not required nor authorized by the Treaty of 1830, are void. For as declared by the Supreme Court, it is not within the powers of Congress to legally abridge or restrict a right to enjoy property, guaranteed or secured under Treaty stipulations.

Brief proclamants in Not proceed case, 181, 211, 218. This cites the decision.

Webster declares the same legal proposition, in his opinion on the Florida claim, which had their origin in the Treaty of 1819, between the United States and Spain. Speaking of the force and the sanctity of Treaty obligations he said:- A Treaty is the Supreme Law of the Land, it can neither be limited nor restrained, nor modified nor altered, it stands on the ground of National Contract, and is declared by the Constitution, to be the Supreme Law of the Land. And this gives it a character, higher than any act of ordinary legislation. It enjoys an immunity, from the operation and effect of all such legislation. Senate report, 33 First session, 33 Congress, pp 16, 22.

The Indians themselves, and those of them in authority have always heretofore, acknowledged the rights and interest in the lands of the Indian Territory, being in all the Choctaw Indians, and the National Council, on December 24th 1838, memorialized Congress by the adoption of the following resolution:

That whereas, there are a large number of Choctaw and Chickasaw Indians, in these states, and whereas, they are too poor to migrate into the Choctaw Nation.

Therefore, be it resolved, by the General Council of the Choctaw Nation assembled, That the United States Government, is hereby requested to make provisions for the migration of said Choctaws, from the said states to the Choctaw Nation, Indian Territory.

Now we are here, looking at our own people and asking them into our own homes, with our own bread.

to citizenship in the Indian Territory, has always been kept open by the Choctaw and Chickasaw and whenever an Indian moved into the Indian Territory, he was upon proof of having Indian blood, a descendant of some Choctaw Indian, admitted by the Councils of said Nation, to all the privileges of Choctaw citizenship. There is nothing in the history of the Choctaw Nation, up to the time of the Dawes Commission, in 1888, where there was ~~any~~ ever any difference made, in the recognition to citizenship, of the common Indians, and the 14th Article Indians, and possessed of the same rights,

In proof of this, under the Treaty of 1866, when there was a possibility of the allotment of these lands, in severallity.

It was made a requisite in the Treaty, that the allotment of lands should be published, in newspaper, not only printed in the Choctaw and Chickasaw Nations, but in the States of, Mississippi, Tennessee, Louisiana, Texas, Arkansas and Alabama, to the end that such Choctaw and Chickasaws, as yet remain outside the Choctaw and Chickasaw Nations, may be informed and have opportunity to exercise the rights, thereby given, to resident Choctaws and Chickasaws.

This of itself, as above indicated, gives a right, and it is the duty of the Commission, under said 14th Treaty, usages and customs, of said Nation to enroll us.

No where is it found, in any of the laws of the Choctaw Nation, nor any of the treaties, where there was any difference made with any Choctaw Indian, in establishing rights in the Indian Territory, immaterial as to whether he was a 14th Article, a 14th Article, or simply a common Indian, if a Choctaw Indian. He was a brother of these Choctaw Indians, and wards of the Government, and in every instance has been recognized as such, and was not discriminated against, by the Choctaw or Chickasaw Nation.

The Treaty of 1866, and of 1868, was founded upon the fact, and policy, to all concerned. It was never once considered

by the makers of these Treaties, that one of their brethren would be discriminated against, in favor of the other.

Applicants contend, That treaty rights should be respected, and that their rights in the lands of the Indian Territory, are vested rights, and that all Choctaw Indians, who are descendants of Choctaw Indians, Mississippi, are entitled to enrollment, in the Indian Territory, upon the rolls of said Choctaw Nation, upon the proof of blood and removing to, and settling in said Territory irrespective of the 14th Article, or any other Article of the Treaty of 1830.

Applicants contend, that no law that abridges treaty rights, is oppressive against the party who has guaranteed rights. And further contends, that the rights guaranteed by a Treaty has been respected by all laws of Congress, up to 1902, by saying in the latter part of every Act, that nothing therein shall militate against rights conferred by Treaty.

Applicants further contend, that the Treaty of Agreement of 1802, with the Choctaw Indians, cannot apply in this case, because of the fact, applicants were not a party thereto.

And again, because of the Act of Congress, of 1871, that says:- "There shall never again be a Treaty entered into, between the United States, and any tribe within its boundaries and this law has never been repealed."

Applicants contend, that the construction placed upon the Act, of 1898, depriving them of the right, to enrollment by blood, is erroneous and wrong and should be revised, as indicated in the above decisions of the Attorney General, in the Long case.

Applicants are slow to believe, that Congress ever sought to deprive Choctaw Indians by blood, of their inherited rights, in the Choctaw Nation, Indian Territory.

The rights guaranteed them in the Treaty of 1830, is a vested right, and applicants claim that they cannot be legally deprived of their rights, by an Act of Congress. Therefore, they do not believe, that Congress ever intended, as construed by the Dawes Commission, and in proof of this, we call your attention, in the latter clause of the Act of 1898, in which it says:- "Nothing contained in this Act, shall militate against rights conferred by Treaty."

Now in order to deprive these applicants of enrollment, they are forced to militate against Treaty rights. If one part of the Act of 1898, is binding, the whole act is binding. The part of the Act that says:- "Nothing in this act shall militate against rights conferred by Treaty, is just as binding, and more so than any other clause in the Act, because of it being Treaty Rights.

Therefore, the premises considered, because of our blood, being that of Choctaw Indians, because of our residence in our own Country, to wit:- The Indian Territory, because of the fact, that our tribe, has never objected to our enrollment, because of our allegiance to the Choctaw Nation, and as the Choctaw tribe, and because it is right against wrong.

We pray that said case be reopened, revised, and readjusted and for enrollment, as Choctaw Indians by blood.

Trusting and praying your Honor, that we may not be disappointed, and that while it is before you, that we may be heard, and that our case may be readjusted, and that we may be enrolled, as Choctaw Indians by blood.

this existence, and appear before St. Peter, that we may not be so hard to identify, as entitled to inherit, a portion of the kingdom, as we are to be identified in order to inherit, a portion of our Tribes inheritance. We are glad it is taught in the 7th Chapter of Mathew, of the Holy Bible, 1st and 2nd verses, "Judge not, that ye be not judged, with what judgement, ye judge, and with what measure, ye meet, it shall be measured to you again."

Again the 7th verse of the same Chapter, says, "Ask, and it shall be given you, seek, and ye shall find, knock, and it shall be opened unto you." This is our motto, we are asking, for that, to which we know, we are entitled, and we are knocking at the door of entrance, that it may be opened unto us."

The multiplying variety of argument, we know that we could present, though not necessary, as, "The whitest honey, in fairest gardens, are culled", and,

Again, "Every man in doubtfull cases, is left to his own decision, and if he acts according, to the best reason, he hath, he is not culpable, though, he be mistaken, in his measure".

While it is true, every one is convinced, of the reality, of a better self, and of the cult, or homage, which is due to it."

Again, we know the mind of man, hath need to be prepared, for piety and virtue, it must be cultivated to that end."

Therefore, Oh, My Father, if it be possible, let this cup of defeat, pass from me, that I may feel, the whirl, of fortunes wheel, and taste, of sorrows cup, of rejection no more."

James T. [Signature]
of the 24th [Signature]

UNITED STATES OF AMERICA,
CHOCTAW NATION
INDIAN TERRITORY,

Personally appeared before me the undersigned authority, James T. Taylor, who after being by me duly sworn according to law, on oath states:-

That he is the principal applicant, in the case titled, James T. Taylor, et. al, vs The Choctaw Nation, that he has read the foregoing petition, and that the facts therein contained, are true and correct to the best of his knowledge.

That he is not making this application for the purpose of delay, but that justice may be done. That he has forwarded by due course of mail, a true and correct copy of this motion and petition, with the exhibits and the affidavits attached, to Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, Indian Territory, at South McAlester, Indian Territory, their present post-office, the receipt of the Post Master, for said registered letter, containing said copy of this petition, is hereto attached for proof of service.

J. T. Taylor

Subscribed and sworn to before me by James T. Taylor, as being true and correct to the best of his knowledge, on this the 22 day of June 1908.

Seal

H. R. [Signature]
Notary Public

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the undersigned authority, M.E. Prewitt, who after being by me duly sworn, according to law, on oath stated:- That she is one of the applicants in the case titled, James T. Taylor et al., VS The Choctaw Nation, that she has read the foregoing petition, and that the facts therein contained, are true and correct to the best of her knowledge.

M.E. Prewitt

Subscribed and sworn to before me, by M.E. Prewitt, as being true and correct to the best of her knowledge, on this the 23 day of June 1906.

(Seal)

A.H. Montgomery
Notary Public.

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the undersigned authority, Charlie Taylor, who after being duly sworn by me according to law, on oath stated:- That he is one of the applicants in the case titled, James T. Taylor et al., VS The Choctaw Nation, that he has read the foregoing petition, and that the facts therein contained are true and correct to the best of his knowledge.

Subscribed and sworn to before me, by Charlie Taylor, as being true and correct to the best of his knowledge, on this the _____ day of _____, 1906.

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY

Personally appeared before me the undersigned authority, Nellie Fowler, who after being by me duly sworn, according to law, on oath states:- That she is one of the applicants in the case titled James T. Taylor et al., VS The Choctaw Nation, that she has read the foregoing petition, and that the facts therein contained, are true and correct to the best of her knowledge.

Nellie Fowler

Subscribed and sworn to before me by Nellie Fowler, as being true and correct to the best of her knowledge, on this the 22 day of June 1906.

(seal)

H. H. [Signature]

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY

Personally appeared before me the undersigned authority, Lucinda McBurnett, who after being by me duly sworn according to law, on oath states:- That she is one of the applicants, in the case titled James T. Taylor et al., VS The Choctaw Nation, that she has read the foregoing petition, and that the facts therein contained are true and correct to the best of her knowledge.

Lucinda McBurnett

Subscribed and sworn to before me by Lucinda McBurnett, as being true and correct to the best of her knowledge, on this the 22 day of June 1906.

(seal)

H. H. [Signature]

UNITED STATES OF AMERICA,
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the undersigned
authority, Henry M. Prewitt, who after being by me duly sworn
on oath states:- That he is one of the applicants in the case
titled James T. Taylor, et al., vs The Choctaw Nation, that he
has read the foregoing petition and that the facts therein
contained are true and correct to the best of his knowledge.

Henry M. Prewitt

Subscribed and sworn to before me by Henry M. Prewitt,
as being true and correct to the best of his knowledge, on this
the 22nd day of June 1906.

James T. Taylor

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the undersigned
authority, James T. Taylor, who after being by me duly sworn
on oath states:- That he is one of the applicants in the case
titled James T. Taylor, et al., vs The Choctaw Nation, that he
has read the foregoing petition and that the facts therein
contained are true and correct to the best of his knowledge.

UNITED STATES OF AMERICA
CHOCTAW NATION IND. TER.

Personally appeared before me the undersigned authority, C.H. Taylor who after being by me duly sworn according to law, on oath states:- That he is one of the applicants in the case James T. Taylor, et al, vs The Choctaw Nation, that he has read the foregoing petition, and that the facts therein contained, are true and correct to the best of his knowledge.

C.H. Taylor

Subscribed and sworn to before me by C.H. Taylor as being true and correct to the best of his knowledge, on this the 22nd day of June 1905.

[Signature]
Notary Public.

My Commission expires Feb 15, 1910.

UNITED STATES OF AMERICA
CHOCTAW NATION, IND. TER.

Personally appeared before me the undersigned authority, Charles E. Fiskin, who after being by me duly sworn according to law on oath states:- That she is one of the applicants in the foregoing case titled James T. Taylor et al, vs The Choctaw Nation, and that she has read the foregoing petition and that the facts contained therein are true and correct to the best of her knowledge.

James T. Taylor, et al
VS
THE CHOCTAW NATION.

Motion and petition,
to reopen, reconsider,
and rejudicate, said
case under the decisions
of the Attorney General,
recently rendered, in the
vicarious case, and a quo-
tation by the Secty. S. Dimes,
James C. Joseph Forbid
and the Julia F. Long case
and the law of 1906.

DEPARTMENT OF THE INTERIOR.
Commissioner to the E. C. and E. Res.

FILED

June 26-06



Commissioner.

I do hereby certify that the foregoing
affidavits made the various parties
are true & correct copy of the
original affidavits attached
to the original petition in this case.

Chas. Hamilton

Stam:

Muskegee, Indian Territory, March 2, 1903.

James T. Taylor,
Thackerville, Indian Territory.

Dear Sir:

There was received by the Commission in an envelope bearing your return card, a copy of the Commission's rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. Thereon is written the names of certain persons who, it is stated, are full blood Choctaws, and the signatures by mark of certain persons who state they are "identified witnesses."

The same is returned to you herewith for the reason that said document cannot be accepted as evidence in your case as it is neither the affidavits of witnesses or the depositions of witnesses taken in accordance with the rules and regulations of the Commission above referred to.

Another copy of the rules and regulations governing the procedure in the taking and submission of depositions in Mississippi Choctaw cases is herewith enclosed you, and the Commission will insist that said rules be in every particular complied with.

Respectfully,

H. A. R. Dep.

Chairman

Muskogee, Indian Territory, March 9, 1903.

James T. Taylor,
Thackerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that you forwarded to the Commission, by mail, certain evidence in support of your claim. You ask what further evidence is required.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, and that on the 2nd instant the Commission addressed you a communication with which was returned certain documents offered by you as evidence in your case and you were fully advised of the reasons for returning the same.

You are further informed that the Commission cannot pass upon the sufficiency of evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

Respectfully,

Chairman.

M C R 6678

Muskogee, Indian Territory, April 11, 1903.

James Taylor,

Ardmore, Indian Territory.

Dear Sir:

There was received at this office on the 7th instant, affidavits in interrogatory form, of Jesse Lowall, Judah Lowall, Hiram Brummett and Polly Brummett; also affidavit of James T. Taylor, offered in support of your application for the identification of yourself and family as Mississippi Choctaws, and the same have been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 23, 1903.

James T. Taylor,
Shackerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask to be advised the status of your case. You further ask if the papers in your case "are in good shape for action, and if not, what is best for me to do?"

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not yet reached any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Commission cannot render you any opinion upon the sufficiency of evidence offered in support of your claim. However, you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are descended of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in

J F T 2

1830, and that such ancestors complied with the provisions of Article 14 of the Cherokee treaty of 1830, or who had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

M C R 6678

Muskogee, Indian Territory, July 21, 1903.

James T. Taylor,

Thackerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, and from the information contained therein the Commission is now able to identify you upon its records as an applicant to this Commission for the identification of yourself and minor children as Mississippi Choctaws.

Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

COPY.

Mustogee, Indian Territory, August 7, 1903.

Hansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James T. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James T. Taylor, et al.,	M C R 6678
Elizabeth Prewitt, et al.,	M C R 6679
Carrie E. Pipkin,	M C R 6680

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James T. Taylor, Nellie Taylor, Lucinda Taylor, Jesse Taylor, Henry Taylor, Paulah Taylor, James Taylor, Elizabeth Prewitt, Henry Prewitt, Julia Ann Prewitt, Mollie Prewitt and Carrie E. Pipkin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 7, 1903

James T. Taylor,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James T. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James T. Taylor, et al.,	M C R 6678
Elizabeth Prewitt, et al.,	M C R 6679
Carrie E. Pipkin,	M C R 6680

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James T. Taylor, Nellie Taylor, Lucinda Taylor, Jesse Taylor, Henry Taylor, Louisa Taylor, James Taylor, Elizabeth Prewitt, Henry Prewitt, Julia Ann Prewitt, Nellie Prewitt and Carrie E. Pipkin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification are not sustained."

J T T 2
refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 6678

Muskogee, Indian Territory, August 22, 1903.

James T. Taylor,

Remailed. Shickens. J. T. Sept. 29, 1903.
~~Ardmore~~, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 15, inclosing brief in support of your application for identification as a Mississippi Choctaw, together with letter addressed to the Secretary of the Interior, and the same will be forwarded, through the Commissioner of Indian Affairs, to the Secretary of the Interior, in connection with the record in your case.

Respectfully,

Commissioner in Charge.

OPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James T. Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

James T. Taylor, et al., M.C.R. 6678;
Elizabeth Frewitt, et al., M.C.R. 6679;
Carrie E. Pipkin, M.C.R. 6680;

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith brief by the applicants in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

W. S. S. S. S. S.

Muskogee, Indian Territory, December 23, 1903.

M. E. Prewit,

Thackerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 25, 1903, by reference from the Secretary of the Interior. You state that you were informed that the testimony given by you in support of the Mississippi Choctaw application of James T. Taylor, et al. would be forwarded to the Secretary of the Interior, and as you haven't heard from it yet you would like to be advised relative thereto.

In reply you are informed that on August 24, 1903, the record in the consolidated Mississippi Choctaw case of James T. Taylor, et al., together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

No notice of departmental action in this case has yet been received by the Commission. When a decision is rendered by the Secretary, and the Commission advised thereof, applicants will be duly notified.

Respectfully,

M.O.R.6678

Muskogee, Indian Territory, April 9, 1904.

James T. Taylor,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, 1904, in which you ask if the record in your case has been forwarded to the Secretary of the Interior and whether or not you should employ an attorney to prosecute your claim.

In reply to your letter you are advised that on August 24, 1903, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any Departmental action therein; but when the Commission is informed of the Department's action, you will be duly notified.

The Commission cannot advise you as to the employment of an attorney in your case, as this is a matter which is entirely within the discretion of the applicant.

Respectfully,

Commissioner in Charge.

C O P Y

Land.
55282-1903

✓
July 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the consolidated applications for identification as Mississippi Choctaws, by James T. Taylor for himself and his six minor children, Nellie, Lucinda, Jesse, Henry, Beulah and James Taylor; by Elizabeth Prewitt for herself and her three minor children, Henry, Julia Ann and Nellie Prewitt, and by Carrie E. Pipkin for herself.

August 7, 1903, the Commission decided adversely to the applicants.

The record shows that all the applicants claim by reason of being descendants of Millie (or Miley) Nellie (or Nellars or Henderson) who is alleged to have been a full blooded Choctaw Indian, residing in Mississippi in 1830, and more remotely from the great-grandmother of the principal applicant and who is alleged to have been a full blooded Choctaw, whose name is alleged to have been Brown.

It is not shown by the evidence in the case or the records of this office, that any of the applicant's ancestors, prior to 1830,

were beneficiaries under the fourteenth article of the treaty of Dancing Rabbit Creek or subsequent legislation thereunder.

The appeal of the applicants bearing date August 15, 1903 has received careful consideration. The evidence shows that none of the applicants are recognized, identified or enrolled as Choctaws, Mississippi or otherwise, before any tribunal.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tehner

Acting Commissioner.

M.M.X
V.

M C R 6678

Muskogee, Indian Territory, July 29, 1904.

J. T. Coleman,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you ask what action has been taken in the matter of the application of James T. Taylor for identification as a Mississippi Choctaw.

In reply you are informed that on August 24, 1903, the record in the consolidated Mississippi Choctaw case of James T. Taylor, et al., together with the Commission's decision refusing the several applications included therein, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Up to the present time the Commission has not been advised of any departmental action in said case. However, when this office is informed of the decision of the Secretary of the Interior the several applicants will be promptly notified.

Respectfully,

C O P Y

V.C.F.

D.C. #28655

DEPARTMENT OF THE INTERIOR,

Washington.

FILE

I.T.D. 5876-1904.

August 4, 1904.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of James T. Taylor, et al (M.C.R. 6678), including your decision of August 7, 1903, refusing to identify the applicants as Mississippi Choctaws.

Reporting in the matter July 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY. M.C.R. 6573

Muskogee, Indian Territory, August 27, 1904.

James T. Taylor,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 6th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James T. Taylor et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

SIGNED

James Bixby
Chairman.

COPY. M.C.R. 5678

Muskogee, Indian Territory, August 27, 1904.

J. T. Coleman,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 6th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James T. Taylor, et al.

Respectfully,

(SIGNED)

James Bixby

Chairman.

M.C.R. 6678

COPY.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 6th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James T. Taylor et al., of which decision you were advised by mail on the 7th day of August, 1903.

Respectfully,

(SIGNED)

James Dixby

Chairman.

Muskogee, Indian Territory, October 17, 1904.

Coleman & Mason,

Attorneys at Law,

Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, asking wherein the applicants in the Mississippi Choctaw case of James T. Taylor, et al. failed to establish their claim, and whether or not there is any chance to have this case reopened.

In reply you are informed that there is herewith enclosed you a copy of the Commission's decision refusing the applicants in the case above mentioned. From the decision you will note the points upon which the application was refused.

Relative to securing a reopening of this case you are informed that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time

C A M 3

of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicant's ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavit of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

McN 77

Chairman.

X O R 6679

Muskogee, Indian Territory, July 6, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter dated at South McAlester, Indian Territory, June 24, 1906, transmitting petition for readjudication of the consolidated Mississippi Choctaw case of James T. Taylor, et al. Said petition has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

Muskagee, Indian Territory, July 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of James T. Taylor, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes of August 7, 1903, was, on August 24, 1903, forwarded the Department.

August 6, 1904 (I T D 5676-1904), the Department affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the several persons in the consolidated case of James T. Taylor, et al.

June 26, 1906, this office received from J. O. Pool, attorney for petitioner, a petition of James T. Taylor praying that the above case be reopened and readjudicated and that the applicants therein be enrolled as citizens of the Choctaw Nation. The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Max 6/8

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of a letter of August 27, 1906, from J. T. Taylor, of Ardmore, Indian Territory, requesting that he be allowed to designate the prospective allotments of himself and children.

You are advised that it appears from the records of this office that on February 9, 1903, James T. Taylor made application for the identification of himself and his minor children, Nellie, Lucinda, Jesse, Henry, Beulah and James Taylor, as Mississippi Choctaws.

This claim has been rejected, both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, but inasmuch as there appears to be now pending before the Department a motion for review in said case, you are hereby instructed to permit Mr. Taylor to designate, for himself and children above named, the lands upon which they are the actual owners of improvements, and which they anticipate selecting as their allotable interest of the lands of the Choctaws and Chickasaws, in the event they are finally identi-

Chick. L. O. 2.

file as Mississippi Choctaws.

Respectfully,

Commissioner.

M C R 6678

Muskogee, Indian Territory, July 24, 1906.

James T. Taylor,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, stating that you have pending before this office an application for rehearing to establish your rights as a Choctaw Indian by blood; that you desire a speedy hearing on this matter, and that you have been informed by the Secretary of the Interior that your case has been referred to this office for proper action.

In reply you are advised that it appears from the records of this office that under date of June 24, 1906, J. O. Pool, attorney at law, Nocona, Texas, forwarded from South McAlester, Indian Territory, a petition to reopen, reconsider and readjudicate the consolidated Mississippi Choctaw case of James T. Taylor, et al. This petition was transmitted to the Secretary of the Interior July 6, 1906.

You are further advised that the Commissioner to the Five Civilized Tribes does not take any action whatever on petitions for rehearings in Mississippi Choctaw cases filed in this office, but simply transmits the same to the Secretary of the Interior for his consideration.

The record in your case has not been returned by the Department, and it is presumed that the letter which you state

J T T 2

you received from the Secretary of the Interior advised that your communication had been referred to this office for proper action, and not the record in your case,

Respectfully,

Commissioner.

X O R 6678

Muskogee, Indian Territory, August 6, 1906.

J. T. Taylor,

Armore, Indian Territory.

Dear Sir:

Your letter of July 18, 1906, addressed to the Honorable Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you request to be notified in case further evidence is desired in the matter of your application for citizenship.

It appears from the records of this office that you now have pending before the Department a petition to reopen, reconsider and readjudicate your Mississippi Choctaw application. When the Secretary of the Interior passes upon said petition and so informs this office, you will be notified of the action taken.

Respectfully,

Acting Commissioner.

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

This office is in receipt of a letter of August 27, 1906, from J. T. Taylor of Ardmore, Indian Territory, requesting that he be allowed to designate the prospective allotments of himself and children.

You are advised that it appears from the records of this office that on February 9, 1903, James T. Taylor made application for the identification of himself and his minor children, Nellie, Lucinda, Jesse, Henry, Beulah and James Taylor, as Mississippi Choctaws.

This claim has been rejected, both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, but inasmuch as there appears to be now pending before the Department a motion for review in said case, you are hereby instructed to permit Mr. Taylor to designate, for himself and children above named, the lands upon which they are the actual owners of improvements, and which they anticipate selecting as their allotable interest of the lands

Choc. L. O. 2.

of the Choctaws and Chickasaws, in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of a letter from Robert L. Fowler of Ardmore, Indian Territory, dated August 26, 1906, in which he requests that his wife, Nellie Fowler, nee Taylor, be allowed to designate her prospective allotment.

You are advised that Nellie Fowler, nee Taylor, appears to be one of the children of James T. Taylor, concerning whose case you have been instructed this date, and you are directed to permit Mrs. Fowler to designate, in person or by petition, the lands upon which she is the actual owner of improvements, and which she anticipates selecting as her allotable interest of the lands of the Choctaws and Chickasaws in the event she is finally identified as a Mississippi Choctaw.

Respectfully,

Commissioner.

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

James T. Taylor,
Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of August 27, 1906, by reference from the Secretary of the Interior, you are advised that the Choctaw and Chickasaw Land Offices have this day been instructed to permit you to designate, in person or by petition, the lands upon which you and your minor children are the actual owners of improvements, and which you anticipate selecting as your allotments in the event you are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

Robert L. Fowler,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 26, 1906, by reference from the Secretary of the Interior. Therein you request that your wife, Nellie Fowler (nee Taylor), be granted permission to have lands set aside as her allotment, pending the final disposition of her claim to identification as a Mississippi Choctaw.

In reply you are advised that the Choctaw and Chickasaw Land Offices have this day been instructed to permit Mrs. Fowler to designate, in person or by petition, the lands upon which she is the actual owner of improvements, and which she anticipates taking as her allotment in the event she is finally identified as a Mississippi Choctaw.

Respectfully,

Commissioner.

M.C.R. 6678.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of a letter from Robert L. Fowler of Ardmore, Indian Territory, dated August 26, 1906, in which he requests that his wife, Nellie Fowler, nee Taylor, be allowed to designate her prospective allotment.

You are advised that Nellie Fowler, nee Taylor, appears to be one of the children of James T. Taylor, concerning whose case you have been instructed this date, and you are directed to permit Mrs. Fowler to designate, in person or by petition, the lands upon which she is the actual owner of improvements, and which she anticipates selecting as her allotable interest of the lands of the Choctaws and Chickasaws in the event she is finally identified as a Mississippi Choctaw.

Respectfully,

Commissioner.

MCR-6678

Muskogee, Indian Territory, October 16, 1906.

Charley Taylor,

Armore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 16, 1906, by reference from the Secretary of the Interior. Therein you state that you are one of the applicants in the consolidated Mississippi Choctaw case of J. T. Taylor et al., and desire to appear before the Chickasaw Land Office and designate your prospective allotment pending final disposition of your claim as a Mississippi Choctaw.

In reply to your letter you are advised that you may in person or by petition designate to the Choctaw Land Office at Atoka, Indian Territory, or the Chickasaw Land Office at Armore, Indian Territory, the land upon which you are the actual owner of improvements and which you anticipate selecting in allotment in the event you are finally identified as a Mississippi Choctaw.

Respectfully,

Commissioner.

M C R 6678

M C R 6679

Muskogee, Indian Territory, October 27, 1906.

J. O. Pool,

Attorney at Law,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, stating that some time ago you filed in this office an application for reopening the consolidated Mississippi Choctaw case of James T. Tayler, et al., and you have just been informed that old man Prewitt and his wife, who is a daughter of said James T. Taylor, have been enrolled and had their lands set aside. You now request to be advised at once in regard to the matter.

In reply you are informed that the petition for reopening and readjustment of the consolidated Mississippi Choctaw case of James T. Taylor, et al., which petition was filed in this office by you June 26, 1906, was transmitted to the Secretary of the Interior July 6, 1906, for his consideration, and up to the present time this office has not been advised of any Departmental action thereon.

September 13, 1906, this office received from M. E. Prewitt, the husband of Elizabeth Prewitt, a letter dated September 3, 1906, addressed to the Secretary of the Interior and by him re-

J O P 2

ferred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action. The letter requested that Prewitt be granted permission to designate the prospective allotments of himself and children.

Inasmuch as it appeared from the records of this office that Elizabeth Prewitt and her three children, Henry, Julia Ann and Mollie Prewitt, were applicants in the consolidated Mississippi Choctaw case of James T. Taylor, et al., in which case a motion for readjudication was pending before the Department, the Chickasaw land office was directed to allow M. E. Prewitt to designate the ~~land~~ which his wife and children were the actual owners of improvements and which they anticipated taking in allotment in the event they were finally identified as Mississippi Choctaws.

The Chickasaw land office was also instructed to permit any or all of the applicants in the consolidated case of James T. Taylor to indicate their improved holdings. However, none of the applicants in the case have been enrolled, and Elizabeth Prewitt's husband, M. E. Prewitt, is not even an applicant.

Respectfully,

Acting Commissioner.

(COPY)

Land.
53841-1904.
57992-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of August 6, 1904, (I.T.D. 5876-1904), I have the honor to transmit herewith the petition of James T. Taylor, praying that the consolidated Mississippi Choctaw case of James T. Taylor, et al., be reopened and readjudicated and that the applicants therein be enrolled as citizens of the Choctaw Nation. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J. P.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON. January 16, 1907.

I. T.D. 20542-1906.

L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

With letter of August 24, 1903, the Commission to the Five Civilized Tribes submitted a motion for review in the Mississippi Choctaw case of James T. Taylor et al. In the motion it is requested that the applicants be enrolled "as citizens" of the Choctaw Nation.

The motion presents no new question of law or fact. None of the applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by duly constituted authority. See act of May 31, 1900 (31 Stat., 221), referred to in section 27 of the act of July 1, 1902 (32 Stat., 641).

The motion is denied.

A copy of Indian Office letter of October 11, 1906, submitting the Commission's report, is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Eph. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 6 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
.....
N. C. R.
.....
6678.
.....

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

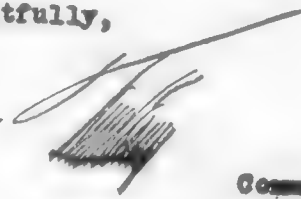
Muskogee, Indian Territory, January 23, 1907.

Charley Taylor,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al.

Respectfully,



Commissioner.

M. C. R.
6678.

COPY

Muskogee, Indian Territory, January 23, 1907.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for a review in the Mississippi Choctaw case of James T. Taylor et al., and for the enrollment of the applicants as citizens of the Choctaw Nation. This case includes the following persons:

James T. Taylor,
Lucinda Taylor,
Henry Taylor,
James Taylor,
Henry Prewitt,
Nellie Prewitt,

Nellie Taylor,
Jesse Taylor,
Beulah Taylor,
Elisabeth Prewitt,
Julia Ann Prewitt,
Carrie E. Pipkin.

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M. C. R.
6678.

COI

Muskogee, Indian Territory, January 23, 1907.

Charley Taylor,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Tayler et al.

Respectfully,

SIGNED

Wams R. By.

Commissioner.

M. C. R.
6678.

COPY

Muskogee, Indian Territory, January 23, 1907.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

There is enclosed herewith copy of Departmental letter of January 16, 1907, denying the motion filed by J. D. Pool, attorney at law, of South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor, et al.

Respectfully,

SIGNED *Thomas Bixby*

Commissioner.

W-23/6.

M. C. R.
6676.

Muskogee, Indian Territory, January 23, 1907.

J. O. Peel,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of January 16, 1907, denying the motion filed by you with this office under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al.

Respectfully,

SIGNED

Thomas M. Kirby.

Commissioner.

W-23/2.

M. C. R.

6678.

Muskogee, Indian Territory, January 23, 1907.

James T. Taylor,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al.

Respectfully,

SIGNED

Wm Bixby

Commissioner.

MCR-6678

Muskogee, Indian Territory, March 14, 1907.

Clinton O. Bunn,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Replying to your letter of March 6, 1907, there is enclosed herewith copy of Departmental letter of January 16, 1907, denying the motion filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al.

Respectfully,

WIM.
Encl. 14/1

Commissioner.

MCR-6678.

Muskogee, Indian Territory, March 22, 1907.

Clinten O. Bunn,
Attorney at Law,
Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, 1907, addressed to the Secretary of the Interior, and by him referred to this office for appropriate action. Therein you request that a copy of the decision of the Secretary of the Interior, denying the motion filed by the applicants for a rehearing in the consolidated Mississippi Choctaw case of James T. Taylor et al, be furnished you.

In reply you are advised that on March 14, 1907, there was transmitted to you a copy of said decision.

Respectfully,

Commissioner.

REF. TO M. C. R. / 6, 18

James J. Taylor .
et al

Consolidated Case

⊗ ——— Brown ?

Minnie Hollis (or Hollars)
free

Annie Hollis (or Hollars)
husb. free

⊗ Zachariah Hollars

⊗ See testimony of
Mathias E. Prewitt
taken Mch 3/03.
Witness also states that
surname of ancestor
is "Hollars".

Polly (or Mary) Hollis 1/2
(or Hollars)

mar
Carr Taylor

Mch 6678

James J. Taylor 50 1/2
wife

① Elizabeth Clark, w

② Sarah Pace, w

Mch 6679

Elizabeth Taylor 47 1/4
mar.

Mathias Prewitt, w

Mch 6678

Nellie Taylor 18

Lucinda Taylor 15

Jesse Taylor 10

Henry Taylor 9

Berulah Taylor 4

James Taylor 7 mo

Mch 6679

Carrie E. Prewitt 23 1/8
mar

Henry Pipkin, w

Mch 6679

Henry Prewitt 20

Julia Ann Prewitt 17

Mollie Prewitt 12

6678

No.

6678

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1908

Name

James T. Taylor

Age

50

Blood

74

Post Office,

Thackerville, I.T.

Father:

Cam Taylor

d.

Mother:

Polly

"

d.

Claims through

mother

1/2

Wife 1. Elizabeth Taylor. (d) w.
 Wife 2. Sarah " w l
 no claim for wife -

Children:

Nellie Taylor, 18.

Lucinda " 15

mother of above, is 1st wife

Jesse Taylor. 10

Henry " 9

Beulah " F. 4

James " 7 m.

2nd wife is mother of
 last 4 mentioned.

claim for exp & children

Stenographer

J. S. Hain

6678+

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 3 1903

Case ^{Date} of

Name James T. Taylor et al

Age

Blood

Post Office,

Father:

Mother:

Claims through

Witness.

~~Childhood~~:

Mathias E. Pruitt
Age 65, — rewit — (w.)

P.O. Thackerville, L.T.

Stenographer

W.H. Malt

James J. Taylor
RECEIVED
U.S. DEPT. OF INTERIOR
BUREAU OF LANDS
WASHINGTON, D.C.
AUG 6 1904
NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 6 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

AUG 27 1904

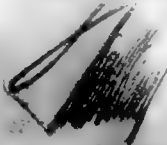
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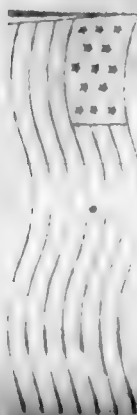
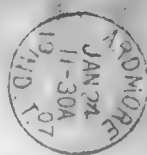
DEPARTMENT OF
Commissioner to the Five C

FILED

FEB 24 1907



COMMUNICATIONS



Department of the Interior.

Commissioner to the Five Civilised Tribes,

MUSKOGEE, IND. TER.



Charley Taylor,

Adams, Indian Territory.

RECEIVED
JUN 24 1907
U.S. DEPT. OF THE INTERIOR
COMM. TO THE FIVE CIVILIZED TRIBES

Choctaw MCR 6679

Elizabeth Prewitt

MCR 6679

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Feb. 9, 1903.

6679

In the matter of the application of Elisabeth Prewitt for the identification of herself and her three minor children, Henry, Julia Ann and Mollie Prewitt, as Mississippi Choctaws.

Not represented by attorney:

Elisabeth Prewitt being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Elisabeth Prewitt.
Q What is your age? A Forty seven.
Q What is your post office address? A Thackerville, Indian Territory.
Q How long have you lived in the Indian Territory? A Pretty near four years.
Q Where did you live before that? A In Kentucky.
Q Were you born in Kentucky? A Yes sir.
Q Where in that state were you born? A Williamsburg, Ky.
Q And did you live there until you went to Thackerville? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Sam Taylor.
Q What was your mother's name? A Polly Taylor.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A A quarter I reckon.
Q Was your mother a half Choctaw? A Yes sir.
Q Was she ever enrolled or recognized by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q What is he? A Whiteman.
Q What is his name? A Mathias Prewitt.
Q You don't make any claim for him then do you? A No sir.
Q Give me the names of your children under twenty-one and unmarried? A Henry; will be twenty-one next May.
Q How old is he? A Yes sir.
Q How the next? A A girl, seventeen next April; her name is Julia Ann Prewitt.
Q How the name of the next one? A Mollie; twelve years old.
Q Is that all—these three? A Yes sir.
Q Is Mathias Prewitt the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and are the children living with you at your home? A Yes sir.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself or children to either the Choctaw tribal authorities in the Choctaw Nation or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever or have your children? A No sir.

Q Do you want to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of that treaty--or don't you understand that article? (No answer)

The treaty of 1830 was made between the Choctaw Indians and the United States at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, that year; the object of the treaty was to remove all those Indians from the old Choctaw Nation there in Mississippi or Alabama to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory with the other Indians under that treaty; in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830: an article in a treaty is one of its paragraphs or subdivisions; a treaty is a contract or agreement between two or more Nations; article fourteen under which you make your claim today is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with article fourteen or not? A No sir.

Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A My grandmother, Annie Hollis.

Q What was her mother's name? A Millie Hollis.

Q What was your great-grandmother? A Yes sir.

Q And Annie Hollis was your mother's mother? A Yes sir.

Q How much Choctaw blood did Annie Hollis have? A She claimed full blood.

Q And Millie Hollis had how much? A She claimed full blood too.

Q Do you know Millie Hollis' husband name? A No sir, I don't.

Q Was he a full blood? A I don't know.

- Q Do you know whether either Millie Hollis or Annie Hollis lived in Mississippi in 1830 and were heads of families there then?
- A Only what I heard them say-I think she was.
- Q Did Annie Hollis live in Mississippi in 1830 and have a family there then? A I think so; that's my understanding.
- Q Do you understand also that Millie Hollis did? A Yes, I think so.
- Q Do you know whether any of your Choctaw ancestors Millie Hollis or her daughter, Annie, or any other went to the United States Indian agent Col. Ward, within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty? A No sir, I don't.
- Q Did any Choctaw ancestors of yours, Millie Hollis or her daughter Annie or any other live on lands in the old Choctaw Nation after 1830 for the period of five years or more and after that time receive a patent to it from the Government under article fourteen? A I don't know.
- Q Did any Choctaw ancestors of yours claim any benefits or lands under any part of the old Choctaw Nation under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a prominent residence or home in the Choctaw Nation, Indian Territory? A I don't know.
- Q Don't you know that your mother used to live in the Choctaw Nation, Indian Territory? A I have heard them speaking of it.
- Q Did she go from the old Choctaw Nation in Mississippi to the Choctaw Nation, Indian Territory? A I expect she did; I don't know only what I heard.
- Q Did she afterwards leave the Choctaw Nation and go to Kentucky? A I don't know.
- Q Where were you born? A Williamsburg, Kentucky; 47 years ago.
- Q Did your mother live in the Choctaw nation before or after your birth? A Before I suppose.
- Q Did she go from Mississippi at some time previous to your birth to the Choctaw Nation, Indian Territory? A I don't know.
- Q Well, you know she didn't go afterwards don't you? A Not as I recollect.
- Q If your mother went to Indian Territory after you were born you would know it, wouldn't you? A Well, I didn't hear them say anything about it.
- Q Have any other ancestors of yours lived in the Choctaw Nation except your mother, Polly? A I don't know.
- Q What was your mother's maiden name? A She was a Hollis.
- Q Well, then, your grandmother, Annie, married a man named Hollis? A I don't recollect.
- Q You don't know what the name of her husband was? A No, I don't recollect.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A No sir, I don't know.
- Q Did any of them go before the Commission appointed by an act of Congress approved March 3, 1837, or one of August 23, 1842, and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed under various acts of Congress to hear the complaints of Choctaw Indians who claimed that they had tried to register under article fourteen of the

E. Prewitt---4

treaty of 1830 but that Col. Ward the United States Indian agent had refused to accept their names for registration and because of his refusal to do this their lands were sold by the Government at Public Land Sale together with their improvements thereon.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government or certificates as we would call them today which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know.

Q This scrip was issued under the act of Congress approved August 23, 1842, and was issued to Choctaw Indians who claimed and proved rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the Government. Do you understand or speak the Choctaw language? A No sir.

Q Is James T. Taylor your brother? A Yes sir.

Q Would you like to have your case and his considered together? A Yes sir.

(The name of James T. Taylor, 6678, is here referred to for the purpose of consolidation.)

Thirty days time is allowed the applicant in which to introduce further proof if she desires in support of her claim.

Q Have you any other evidence you want to present now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair, brown eyes; medium dark complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 9, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12 day of February, 1903.

Charles E. Sasser

COPY.

Muskogee, Indian Territory, August 7, 1903.

Elizabeth Prewitt,

Thackerville, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James T. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James T. Taylor, et al.,	M. C. R. 6678
Elizabeth Prewitt, et al.,	M. C. R. 6679
Carrie E. Pipkin,	M. C. R. 6680

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James T. Taylor, Nellie Taylor, Lucinda Taylor, Jesse Taylor, Harry Taylor, Beulah Taylor, James Taylor, Elizabeth Prewitt, Harry Prewitt, Julia Ann Prewitt, Nellie Prewitt and Carrie E. Pipkin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and

EP 2

that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needle.

Commissioner in Charge.

Registered.

M.C.R.6679

Muskogee, Indian Territory, October 14, 1903.

Mrs. Elizabeth Prewit,
Thackerville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 6, asking if any one has a right to collect rent from you.

In reply to your letter, you are informed it appears from our records that you are an applicant to this Commission for the identification of yourself and your minor children as Mississippi Choctaws, but no decision or opinion has yet been reached relative to your final right to such identification. As soon as a decision is rendered you will be notified of the action of the Commission.

You are informed that it is not believed, at this time, that you are entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 14, 1903.

Mrs. Elizabeth Prewit,
Thackerville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 6, asking if any one has a right to collect rent from you.

In reply to your letter, you are informed it appears from our records that you are an applicant to this Commission for the identification of yourself and your minor children as Mississippi Choctaws, but no decision or opinion has yet been reached relative to your final right to such identification. As soon as a decision is rendered you will be notified of the action of the Commission.

You are informed that it is not believed, at this time, that you are entitled in any manner to possess any rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

COPY. M.C.R. 6679

Muskogee, Indian Territory, August 27, 1904.

Elisabeth Prewitt,

Thackerville, Indian Territory,

Dear Madam:

You are hereby notified that on the 21st day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James T. Taylor, et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

SIGNED

James Birby.

Chairman.

M C R 6679

Muskogee, Indian Territory, September 13, 1906.

M. E. Prewitt,

Bob
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, by reference from the Secretary of the Interior. Therein you state that your wife and children are Mississippi Choctaw claimants and you request permission to designate their prospective allotments.

In reply you are advised that the Chief Clerk of the Chickasaw Land Office has this day been notified to permit you to designate for your wife and children, the lands upon which they are the actual owners of improvements and which they anticipate selecting as their allottable interest in the lands of the Choctaws and Chickasaws in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M C R 6679

Muskogee, Indian Territory, September 13, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of a letter from M. E. Prewitt, of Ardmore, Indian Territory, dated September 3, 1906, requesting that he be given the privilege of designating the prospective allotments of his wife and children who are Mississippi Choctaw claimants in the consolidated case of James T. Taylor, et al.

You are advised it appears from the records of this office that on August 6, 1904, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of August 7, 1903, refusing to identify as Mississippi Choctaws the following persons in the consolidated Mississippi Choctaw case of James T. Taylor, et al.:

James T. Taylor,
Lucinda Taylor,
Henry Taylor,
James Taylor,
Henry Prewitt,
Mollie Prewitt,

Mellie Taylor,
Jesse Taylor,
Beulah Taylor,
Elizabeth Prewitt,
Julia Ann Prewitt,
Carrie E. Pipkin.

It further appears that there is now pending before the Department a motion for rehearing in the above consolidated case, and you will therefore permit any of said applicants to designate

Chickasaw Land Office 2

their prospective allotments, in accordance with the instructions
heretofore furnished your office in cases of this character.

Respectfully,

Commissioner.

WCR-6679

Muskogee, Indian Territory, October 25, 1906.

John Smart,

Bob, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1906, by reference from the Secretary of the Interior. Therein you state that your wife, Julia Ann Smart, nee Prewitt, has an application pending for identification as a Mississippi Choctaw, and you request that she be now permitted to designate her prospective allotment.

In reply to your letter you are advised it appears from the records of this office that Julia Ann Prewitt is an applicant in the consolidated Mississippi Choctaw case of James T. Taylor et al., in which case a motion for review is now pending before the Department. Mrs. Smart may indicate to the land office the land upon which she is the actual owner of improvements and which she anticipates selecting in allotment in the event she is finally identified as a Mississippi Choctaw. Such designation does not prevent any duly enrolled citizen from filing on the land. It is merely a notice to him that the undetermined applicant has a claim thereto.

Respectfully,

Commissioner.

M C R 6678

M C R 6679

Muskogee, Indian Territory, October 27, 1906.

J. O. Pool,

Attorney at Law,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, stating that some time ago you filed in this office an application for reopening the consolidated Mississippi Choctaw case of James T. Taylor, et al., and you have just been informed that old man Prewitt and his wife, who is a daughter of said James T. Taylor, have been enrolled and had their lands set aside. You now request to be advised at once in regard to the matter.

In reply you are informed that the petition for reopening and readjudication of the consolidated Mississippi Choctaw case of James T. Taylor, et al., which petition was filed in this office by you June 26, 1906, was transmitted to the Secretary of the Interior July 6, 1906, for his consideration, and up to the present time this office has not been advised of any Departmental action thereon.

September 13, 1906, this office received from M. R. Prewitt, the husband of Elizabeth Prewitt, a letter dated September 3, 1906, addressed to the Secretary of the Interior and by him re-

J O P 2

ferred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action. The letter requested that Prewitt be granted permission to designate the prospective allotments of himself and children.

Inasmuch as it appeared from the records of this office that Elizabeth Prewitt and her three children, Henry, Julia Ann and Mollie Prewitt, were applicants in the consolidated Mississippi Choctaw case of James T. Taylor, et al., in which case a motion for readjudication was pending before the Department, the Chickasaw land office was directed to allow M. E. Prewitt to designate the ~~land~~ which his wife and children were the actual owners of improvements and which they anticipated taking in allotment in the event they were finally identified as Mississippi Choctaws.

The Chickasaw land office was also instructed to permit any or all of the applicants in the consolidated case of James T. Taylor to indicate their improved holdings. However, none of the applicants in the case have been enrolled, and Elizabeth Prewitt's husband, M. E. Prewitt, is not even an applicant.

Respectfully,

Acting Commissioner.

MOR-6679

Muskogee, Indian Territory, October 22, 1906.

Henry M. Prewitt,

Bob, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant by reference from the Secretary of the Interior. Therein you request that the Chickasaw Land Office be directed to permit you to designate your prospective allotment in order that the same may be held intact subject to your filing if your application for identification as a Mississippi Choctaw receives favorable consideration by the Department.

In reply you are advised that this office will not permit the making of reservations for any undetermined applicants for identification as Mississippi Choctaws, and the only instructions which have been issued to the land offices in reference to this matter is to permit such undetermined applicants to informally designate to the land office the land upon which they are the actual owners of bona fide improvements in order that, if the land is applied for in allotment by any duly enrolled citizen or freedman of the Choctaw or Chickasaw Nation, such undetermined applicants may be so advised in order that they may in-

H M P - - - - - (2)

stitute contest proceedings for their improved holdings. The designation of a prospective allotment is nothing more than a notice to any duly enrolled citizen who selects the same in allotment that there is a prior claim thereto.

Inasmuch as it appears that you are one of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al., in which a motion for review is now pending before the Department, you may designate to the land office your prospective allotment.

Respectfully,

Commissioner.

COPY

M. C. R.
6679

Muskogee, Indian Territory, January 23rd, 1907.

Elizabeth Prewitt,
Bob, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor, et al.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

6679

No. 6679

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name Elizabeth Prewitt

Age 47. Blood 1/4

Post Office, Thackerville, S.C.

Father: Cam Taylor. d

Mother: Polly " d

Claims through mother 1/2

Husband -

Mathias Prewitt, d.w.
No claim for husband

Children:

Henry Prewitt 20.

Julia Ann " 17 ~~18~~

Mollie " 12

Claims for self
and 3 minor

Photographer H. L. K. ...

MISSISSIPPI
Elizabeth Prewitt

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 11 1901

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 11 1901

NOTICE OF DEPARTMENTAL ACTION
FORWARDED BY REGISTER OF OCTAW
AND DEPARTMENTAL ACTIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED BY REGISTER OF OCTAW.

Choctaw MCR 6680

Carrie E. Pipkin

MCR 6680

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I.T. Feb. 9, 1903.

6680

In the matter of the application of Carrie E. Pipkin for identification as a Mississippi Choctaw.

Not represented by attorney:

Carrie E. Pipkin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Carrie E. Pipkin.
Q What is your age? A Twenty three.
Q What is your post office address? A Thackerville, I.T.
Q How long have you lived there? A Been there 4 years next April.
Q Before that you lived where? A Kentucky.
Q Were you born in Kentucky? A Yes sir.
Q Where did you live most of the time in Kentucky? A Next to Lexington; in the Northeastern part.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A Mathias Fewitt.
Q What is your mother's name? A Elizabeth Fewitt.
Q You claim through your mother, don't you? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know.
Q How much did your mother claim just now? A A quarter.
Q You claim an eighth, don't you? A Yes sir.
Q Was your mother ever recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q This was her first application, wasn't it, for citizenship in the Choctaw Nation? A Yes sir.
Q Is your husband living? A Yes sir; he is a white man.
Q What is his name? A Henry Pipkin.
Q You don't make any claim for him as a Choctaw? A No sir.
Q You have no children that you want to make application for? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation either the the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q You haven't been enrolled as a Choctaw Indian by any authority whatever up to the present time? A No sir.
Q Do you now come before this Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Is this the first application you have made of any kind to any authority? A Yes sir.
Q Do you want to be identified under article fourteen of the treaty of 1830? A Yes sir.

C.E.Pipkin---2

Q Do you think you understand that article well enough to claim under it? (No answer.)

The treaty of 1830 was made between the Choctaw Indians and the United States Government at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; the object was to remove all the Choctaw Indians from the old Choctaw Nation East of the Mississippi river to the Choctaw Nation, Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty; in order to protect the interests of those Choctaw Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; article fourteen is the article you claim under today; it is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830?

A No sir.

Q What was the name of your ancestor you claim through now?

A Elizabeth Prewitt.

Q What is your mother? A Yes sir.

Q But go back as far as you can go. A My great grandmother was Annie Hollis. My great-great-grandmother was Millie Hollis.

Q How how much Choctaw blood did Annie have? A She was fullblood.

Q And her mother Millie, had how much? A Full blood.

Q Do you know Annie Hollis' father's name? A No sir.

Q Do you know Annie Hollis' husband's name? A No sir.

Q Was Annie Hollis her married name was? A No sir.

Q Your mother's maiden name was what? A I can't tell you.

Q Did any of your Choctaw ancestors live in Mississippi in 1830?

Q and have a family there then? A I don't know.

Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi? A That my great grandmother, Annie Hollis did.

Q Did you ever hear that she lived there 73 years ago and had a family there then? A I don't remember if I did.

- Q Did she or her mother or any Choctaw ancestor of yours ever go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory? A I suppose they did.
- Q Do you know in what year? A No sir.
- Q Which went, Annie or Millie or both? A I don't know.
- Q Did you ever hear that your great grandmother went to the Choctaw Nation, Indian Territory? A Yes sir.
- Q Did you ever hear that her mother went? A I don't know.
- Q Did she stay there or go to some other State afterwards?
- A She went back to Kentucky.
- Q Did she live in Kentucky before she went to the Choctaw Nation, Indian Territory? A I don't know.
- Q Do you know when she went to Kentucky from the Choctaw Nation, Indian Territory? A No sir.
- Q Then as far as you know your great grandmother, Annie Hollis, used to live in Mississippi and went from there to Choctaw Nation, Indian Territory and stayed a while and then went to Kentucky and died there? A Yes sir.
- Q But you don't remember the years? A No sir.
- Q You don't know whether she went from Mississippi to the Choctaw Nation at the expense of the Government? A No sir.
- Q Or between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors go to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there and become citizens of the States?
- A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge ever live on land in the old Choctaw Nation in Mississippi or Alabama for five years and after five years from the ratification of the treaty of 1830 get a patent to it from the Government for that land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors, your great grandmother, Annie or your great great-grandmother Millie go before a Commission appointed by an act of Congress approved March 3, 1837 or another Commission appointed by the act of Congress approved August 23, 1842 and claim benefits under article fourteen of the treaty of 1830? A Not that I know of.

These Commissions were appointed by various acts of Congress to hear the complaints of Indians who claimed that they had remained in the old Choctaw Nation and had attempted to register under article fourteen of the treaty of 1830 but that Col. Ward the agent refused to register their names under that article and because of his refusal to do this the Government took their land from them and sold it together with the improvements upon it.

- Q Did any of your Choctaw ancestors, Annie Hollis, or her mother, Millie or any other receive certificates or scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842. Do you understand or speak the Choctaw language? A No sir.

C.N.Pipkin---

Q Is James T. Taylor related to you? A My uncle.

Q Elizabeth Prewitt is your mother? A Yes sir.

Q Would you like to have your case consolidated with your mother's and both of them under the head of your uncle James T. Taylor?

A Yes sir.

(The case of James T. Taylor, M.C.R. 5678, is here referred to for the purpose of consolidation.)

Q You have no lawyer have you? A No sir.

(Thirty days time is allowed this applicant in which to furnish further evidence in support of her case if she desires.)

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, dark eyes, dark complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry D. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case on February 9, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry D. Hains

Subscribed and sworn to before me this 12 day of February, 1903.

Charles W. Sawyer

Notary Public

COPY.

Mustang, Indian Territory, August 7, 1903.

Carrie E. Pipkin,

Thackerville, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James T. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

James T. Taylor, et al.,	M C R 6678
Elizabeth Prewitt, et al.,	M C R 6679
Carrie E. Pipkin,	M C R 6680

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James T. Taylor, Nellie Taylor, Lucinda Taylor, Joaze Taylor, Henry Taylor, Boulah Taylor, James Taylor, Elizabeth Prewitt, Henry Prewitt, Julia Ann Prewitt, Nellie Prewitt and Carrie E. Pipkin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and

CNP 2

that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.O.R. 6680

Muskogee, Indian Territory, August 27, 1904.

Garrie M. Pipkin,

Thackerville, Indian Territory,

Dear Madam:

You are hereby notified that on the 6th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James T. Taylor et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

SIGNED

Edna Bixby

Chairman.

M C R 6680

Muskogee, Indian Territory, October 17, 1906.

H. D. Pipkin,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 13, 1906, by reference from the Secretary of the Interior. Therein you request that the Chickasaw land office be directed to permit your wife, Carrie E. Pipkin, nee Taylor, or her agent to appear before said office and indicate an intention to appropriate or segregate certain land as her allotment pending final disposition of her claim to identification as a Mississippi Choctaw.

In reply you are advised that the Chickasaw land office has been notified to permit the applicants in the consolidated Mississippi Choctaw case of James T. Taylor, et al., of which the application of your wife is a part, to designate their prospective allotments.

No reservations will be made for undetermined applicants. They will only be allowed to informally designate to the land office the lands upon which they are the actual owner of bona fide improvements, in order that if the same is applied for in allotment by any duly enrolled citizen notice thereof may be given in order that the undetermined applicant claiming the same may institute contest proceedings for his or her improved holdings.

H D P 2

The designation of a prospective allotment should not be confused with the selection of an allotment. It is nothing more than a notice to any person filing on the undetermined applicant's holdings that said applicant has a claim thereto.

Respectfully,

Commissioner.

MUR-6600

Muskogee, Indian Territory, October 22, 1906.

H. D. Pipkin,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant requesting an answer to your communication of September 18th which has been referred to this office by the Secretary of the Interior.

You are advised that a reply in full to your communication of September 13, 1906, was forwarded you on the 17th instant.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
M. C. R.
6680.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1907.

Carrie E. Pipkin,
Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 16, 1907, denied the motion filed with this office by J. O. Peel, attorney at law, of South McAlester, Indian Territory, under the Act of Congress approved April 26, 1906, for the enrollment as citizens of the Choctaw Nation of the applicants in the consolidated Mississippi Choctaw case of James T. Taylor et al.

Respectfully,



Commissioner.

6680

No. 6680

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 9 1903

Date

Name Carrie E. Pipkin.

Age 23

Blood

1/8

Post Office, Thackerville, I. T.

Father: Mathias Pruitt, l.

Mother: Elizabeth " l.

Claims through mother 1/4

Husband.

Henry Pipkin, l. w.

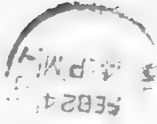
No claim for husband

Children:

Claims for self
alone,

Stenographer

H. G. Davis

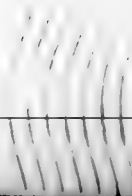


DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

FEB 24 1907

Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Carrie E. Pipkin,

~~Ardmore, Indian Territory~~

MISSISSIPPI CHOCTAW

R. 60

Carrie E. Pipkin

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 27 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND MISSISSIPPIANS.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

AUG 27 1904

RECEIVED M. G. R. 6678

Choctaw MCR 6681

Drucilla Duff

MCR 6681

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Drucilla Duff and her minor child Roscoe Duff as Mississippi Choctaws.

Thomas & Harrison Attorneys for applicant, represented by Mr Harrison.

Drucilla Duff being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Drucilla Duff.
Q What is your age? A Twenty three.
Q What is your post office address? A My post office address when I was in Wisconsin was Bryant but I guess my post office now would be Monica Kentucky.
Q That's where you live now? A I'm on my way there now.
Q You haven't been there yet? A Yes sir I went from Kentucky to Wisconsin.
Q You used to live in Monica? A Yes sir.
Q Where were you born? A In Lee County Kentucky.
Q And lived in Kentucky how long? A I lived there twenty years.
Q And then you went where? A Wisconsin.
Q And lived there until now? Yes sir.
Q You have given up your residence there and are going back to Monica Kentucky? A Yes sir.
Q Where did you live in Wisconsin? A Bryant.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jack.
Q You mean Andrew J. Bowman? A Yes sir.
Q He has made application has he not for your mother Nancy within a few days? A Yes sir.
Q What is your mother's name? A Nancy J. Bowman.
Q You claim your Choctaw blood through your mother, do you? A Yes sir.
Q Your father has no Choctaw blood? A No sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Is your mother one fourth Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know.
Q You never heard that she had been did you? A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Charles Duff.
Q Has he any Choctaw blood? A No sir not that I know of.
Q What is his nationality or race? A White.
Q You don't make any claim for him? A No sir.
Q Have you any children you want to make application for? A Yes sir I have one.
Q What is the name of that child? A Roscoe Duff.
Q How old is he? A One year past.
Q You claim for yourself and one minor child? A Yes sir.

- Q Is Charles Duff the father of this minor? A Yes sir.
 Q And you and he and the child are living together at his home? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
 Q Do you come before the Commission at this time to identify yourself and this child as Mississippi Choctaws? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by any authorities whatever up to the present time? A No sir.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi named Rabbit Creek on the 27th day of September of that year for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; a great many Indians refused to go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect them in their rights and interests article fourteen was put into the treaty of 1830; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.
 Q Do you claim through his wife too? A Yes sir.
 Q What was her name? A Mary Ann Harper I think.
 Q Do you know whether they were full blood Choctaw Indians or not? A I've been told they were; I don't know.
 Q What relation was John Harper to you? A He was my great great grandfather.

- Q And his wife was your great great grandmother? A Yes sir.
- Q Did they live in Mississippi in 1830? A I dont know.
- Q Do you know whether either of them ever lived in the state of Mississippi or in the state of Alabama in the old Choctaw Nation? A No sir I dont know.
- Q Can you give the name of any Choctaw ancestor of yours who did live in the old Choctaw Nation in 1830 and had a family there then? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty
- A I dont know.
- Q Did any of them go from that old Choctaw Nation at my time to the Choctaw Nation Indian Territory for the purpose of making a permanent home or residence in the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you today.
- A Not that I know of.
- Q Did any of your Choctaw ancestors John Harper or his wife or any other go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land and become citizens of the states? A I dont know.
- Q Did any of them live on land in the old Choctaw Nation either in Mississippi or Alabama five years and then get a patent from the government for that land? A I dont know.

In 1837 and in 1842 commissions were appointed to hear Mississippi Choctaw Indians who claimed that they had gone to Colonel Ward within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of that treaty but that Colonel Ward refused to register them and because of his refusal the government had taken their land from them in the old Choctaw Nation and sold it. In order to get their rights under article fourteen these commissions were appointed.

- Q Do you know whether any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article fourteen of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q What relation is Jasper Chambers to you? A He's my uncle.
- Q Do you want to have his case considered in connection with your case? A Yes sir.
- Q And also the case of C.C.Hanks? A Yes sir.
- Q What relation is he to you? A He's my cousin.

The case of Jasper Chambers M.C.R. 5670 is referred to in this connection and the case of C.C.Hanks M.C.R. 5608. The case of Charles E. Duff is also referred to in this connection, M.C.R. 5563.

Thirty days time is allowed this applicant in which to introduce other proof in support of this claim.

Examination by Mr. Harrison, Attorney for applicant.

- Q Have you ever heard of any of your Choctaw ancestors going to Mississippi about 1830 and making application for land as Choctaw Indians? A No sir.
- Q Never heard that? A No sir.
- Q Did you ever hear that John Harper did that? A I think I've heard that John Harper did.
- Q What have you heard about him as to that; have you any recollection now of what you did hear about it? A No sir, I can't tell you.
- Q What you have heard about John Harper trying to get land as a Choctaw Indian you don't now remember? A No sir.

By the Commission.

Applicant has the appearance of being descended from white parentage; brown eyes and dark brown hair; ruddy complexion; medium dark.

- Q You don't speak or understand the Choctaw language? / No sir.
- Does not speak or understand the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of February 1903.

Charles H. Sawyer

Notary Public.

K.C.R. 6681.

Muskogee, Indian Territory, November 5, 1903.

Drucilla Duff,

Monica, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6681.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Ursella Duff that she will be allowed thirty days from this date in which to submit further evidence in support of her application for the identification of herself and minor child as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6681
M C R 6673
M C R 6674

Muskogee, Indian Territory, November 25, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Duff and Drucilla Bowman, offered in support of the Mississippi Choctaw case of Drucilla Duff, et al.

Certified copy of marriage license and certificate between George W. Lawson and Lizzie C. Bowman, offered in support of the Mississippi Choctaw case of Lizzie Lawson, et al.

Certified copy of marriage license and certificate between J. G. Lawson and Cora Bowman, offered in support of the Mississippi Choctaw case of Cora Lawson, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

MUR 6681

Muskogee, Indian Territory, March 14, 1904.

Drucilla Duff,

Menice, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and minor child, Roscoe Duff, was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have this day been furnished with a copy of such decision; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6621.

Muskogee, Indian Territory, June 28, 1906.

Brucilla Duff,

Monica, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1906, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6681

No. 6681

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 9 1903

Date

Name *Lorucilla Ruff.*

Age *23* - Blood *'18*

Post Office *Monica, Ky.*
and new

Father: *Jack Brownan, l.*

Mother: *Honey J. .. l.*

Claims through *mother '14*

Husband,

Charles Ruff l. w.

No claim for husband

Children:

Rose Ruff - 1

*Claims for self &
one child*

Stenographer *Sam Mitchell Woods*

FOR IDENTIFICATION AS

A MISSESSIPPI

Drucilla Duff

DECISION DE

MAR 4 1904

COPIES IN FORWARDED
ATTORNEY GENERAL AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF LEGAL NOTICE, MAR 14 1904

COPIES IN
ATTORNEY GENERAL

MAR 14 1904

RECORD FORWARDED DEPARTMENT,

JUN 13 1904

ACTION APPROVED

SECRETARY OF

MAR 2

REFER TO M. G. R.

MAR 2

Choctaw MCR 6682

Fielding Hanks

MCR 6682

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Fielding Hanks for
 identification as a Mississippi Choctaw.

Thomas & Harrison Attorneys for applicant, represented by Mr
 Harrison.

Fielding Hanks, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fielding Hanks.
 Q What is your age Mr. Hanks? A Seventy one.
 Q What is your post office address? A Muskogee.
 Q You live here now? A Yes sir we moved here a few days ago.
 Q How long have you lived in Muskogee, Indian Territory?
 A We came here just about three days ago from Kentucky.
 Q Where did you live in Kentucky before you came here? A I
 lived in Bath County.
 Q What post office? A Hope.
 Q Where were you born? A I was born in Montgomery County.
 Q In Kentucky? A Yes sir.
 Q Did you always live in Kentucky until you came to Muskogee?
 A Yes, sir.
 Q Is your father living? A No sir.
 Q Is your mother living? A No sir.
 Q What was your father's name? A William Hanks.
 Q What was your mother's name? A Louisa.
 Q Do you claim Choctaw blood through your father or mother?
 A My father.
 Q How much do you claim? A A quarter.
 Q You claim your father was one half Choctaw? Yes sir.
 Q Has your father ever been recognized or enrolled as a Choctaw
 Indian by the Choctaw tribal authorities or the United
 States authorities in the Indian Territory? A No sir he
 never was.
 Q Have you the proof of the marriage of your father and mother
 with you now? A I have not.
 Q When were they married and where? A They were married in
 Montgomery on Red River and the court house has been burned
 and the records too.
 Q So that you haven't the proof now? A I have not. It might be
 that my brother Jack has got it at his house.
 Q Were they married by a minister under a license? A I guess
 they was; there's no question but what they was married.
 Q Is your wife living? A No sir she's dead.
 Q What was her name? A Sarah Frances Gil more.
 Q That was her maiden name? A Yes sir.
 Q You have no children under age have you? A No sir.
 Q And you claim for yourself alone, do you? A Yes sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you want to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir..
- Q That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article?
- A I dont think they did.
- Q What is the name of your ancestor that you claim through now
- A John Harper.
- Q What relation was John Harper to you? A He was my great grand father.
- Q Do you claim through his wife? A Yes sir.
- Q What was her name? A Mary Ann they say.
- Q How much Choctaw blood did they have? A I cant tell you that
- Q Did either of them live in Mississippi in 1830 and have a family there then? A I've understood that Harper went there about that time; 1830; I've heard that.
- Q Did they, either of them live in Mississippi or Alabama in 1830 and have a family there then; do you know? A I don't know.
- Q Where was John Harper living when he went to Mississippi? A I've heard a good long while ago that he lived in Kentucky on a creek called Lovengood.
- Q Where was he born? A I cant tell you.
- Q Where did he die? A In his home at Kentucky they say.
- Q Did his wife die there too? A I never heard.
- Q Did either of them live in Mississippi or Alabama five years on land that they claimed as Choctaw Indians and then get a patent from the government for that land? A I cant tell. I heard that he went there to register and they wouldn't let him.
- Q Did either of them go to Ward and try to register under article fourteen within six months after the ratification of the treaty of 1830? A I dont know.
- Q You heard that he did? A I heard that Harper did.

- Q Did he register? A Well he didn't register then; they wouldn't let him in the way I understand it.
- Q Do you know anything more about it? A No sir.
- Q Don't know why he didn't register? A Well it was said that the Commissioner made him leave; I've heard that but I can't say it was so.
- Q After he tried to register where did he go? A I don't know.
- Q Did either of them live on land five years and then get a patent from the government? A Not that I know of.
- Q Did either of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian territory or did any other ancestor of yours do that? A Not that I know of.
- Q Did any of them go between the year 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go before a Commission appointed by act of Congress approved March 3 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842.

- Q Do you speak or understand the Choctaw language? A I do not.
- Thirty days time is allowed this applicant to introduce other proof in this case.
- Q Are you related to Jasper Chambers? A Yes, we and him is own cousins.
- Q What relation are you to C.C. Hanks? A We are cousins.
- Q They have both been before the Commission and made application for identification as Mississippi Choctaws; what relation is Charles E. Duff to you? A About a third cousin.
- Q Do you want to have your case considered with the case of Jasper Chambers? A I don't know. The Duffs and Ladfords; it's all the same.
- Q They all claim through John Harper? A That's what I know.

The case of Jasper Chambers M.C.R. 5670. And C.C. Hanks 6508 and the application of Charles E. Duff 6563 are referred to as applicants claiming through the same common ancestor through whom this applicant makes his claim.

- A I'm a second cousin to Charles Duff; his mother and mine is own cousins.
- Q Have you got the proof of your marriage? A Yes sir.

Examination by Mr. Harrison.

- Q Where do you get your information that John Harper sometime about 1830 or 1831 tried to get some land in Mississippi as a Choctaw? A Well I've heard different ones speak of it here lately.
- Q Members of your family; I mean your connection? A Yes sir.
- Q You heard nothing about it until recently? A No sir never did.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; fair complexion; hair and whiskers gray.

Q What was the color of your hair once? A Black.

Hair was formerly black.

Does not speak the Choctaw language.

Proof of the marriage of Fielding Hanks and Sarah Frances Gilmore presented by this applicant, received, filed, marked exhibit A, made part of the records in this case, said proof being the testimony of two witnesses who were present at said marriage; also the statement of ~~this~~ applicant in regard to the burning of the records containing the marriage license and certificate.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of February 1903 and that this is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

subscribed and sworn to before me this 10th day of February 1903.

Charles W. Sawyer

Notary public.

K.C.R. 6682.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Fielding Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.P. 6682.

Muskogee, Indian Territory, November 5, 1903.

Fielding Hanks,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Fielding Hanks,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration ~~of~~ that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6682.

Muskogee, Indian Territory, June 26, 1905.

Fielding Hanks,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6682

No.

6682

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name *Fielding Hanks.*Age *71 -*Blood *"14*Post Office, *Muskogee, L. T.*Father: *William Hanks. d*Mother: *Louisa " d*Claims through *father - "12**Wife.**Sarah F. Hanks. d.*~~Children:~~*Claims for self
alone*Stenographer *Clara M. Cook*

FILED

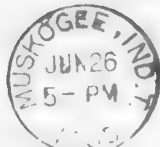
JUL 21 1905

COMMISSIONER OF FINANCE

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



6682

Name Not in City Directory.

RETURNED TO
SIXTINE HANKA
FROM MUSKOGEE
MUSKOGEE, INDIAN TERRITORY.

DEPARTMENT OF COMMERCE
COMMISSION 1

FILE

APR 19 1904

[Handwritten signature]

CHIEF

6682

10691

MAR 19 1904

Fielding

Muskogee Indian Territory.

REGISTERED

MAR 19

MUSKOGEE, IN

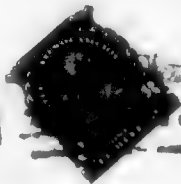
IND.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



MAR 19 1904

In the matter of application
for enrollment of John W. Wooster
et al. as citizens of the Chick-
asaw Nation.

RECEIVED

FEB -3 1902

FEB -3 1902

COPY OF DECISION FORWARDED
APPLICANT

FEB -3 1902

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR.

PR -5 1902

NOTICE OF DEPARTMENTAL

FORWARDED TO COMMISSIONERS
AND CHICKASAW NATIONS.

Choctaw MOR 6683

Bettie Rogers

MOR 6683

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Bettie Rogers for the identification of herself and her two minor children Christine and Stella May Rogers as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Bettie Rogers being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Bettie Rogers.
Q What is your age? A Thirty three years old.
Q What is your post office address? A Muskogee.
Q Indian Territory? A Yes sir.
Q Where were you born? A Kentucky, Montgomery County.
Q And lived in that state how long? A Ever since I was born.
Q Until when? A Until we moved here about three days ago.
Q And three days ago you left that state and moved to Muskogee Indian Territory? A Yes, sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Fielding Hanks.
Q What was your mother's name? A Sarah Frances.
Q Sarah Frances Hanks? A Yes sir.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim for yourself? A One eighth.
Q Do you claim your father is one fourth Choctaw? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Has he made application today has he not to be identified as a Mississippi Choctaw? A Yes sir.

The application of Fielding Hanks is referred to M.C.R. 6682.

- Q Is your husband living? A Yes sir.
Q What is his race or nationality? A White.
Q Do you make any claim for him? A No sir.
Q What is his name? A James Rogers.
Q I didn't ask you to spell Rogers - is it R-o-g-e-r-s?
A Yes sir.
Q How many children have you? A Two.
Q What is the name of the oldest? A Christine.
Q Girl? A Yes sir.
Q How old is she? A Three years old.
Q What is the name of the next child? A Stella May.
Q How old is she? A One year old.
Q Are these both girls? A Yes sir.

- Q Do you make application for yourself and these two minor children? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities in the Indian Territory the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
- A No sir.
- Q Do you appear before the Commission at this time to identify yourself and your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I don't think I do.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made in Mississippi at a place by the name of Dancing Rabbit Creek on the 27th day of September of that year; the government desired to remove the Choctaw Indians from the old Nation which was partly in Mississippi and partly in Alabama to the Choctaw Nation Indian Territory in order that they might have protection in the exercise of their tribal rights and privileges; a good many Indians desired to remove and therefore this treaty of 1830 was made which was a treaty to affect their removal; but a good many Indians refused to go and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. This article is the one that you claim under today and is a paragraph or sub division of the treaty of 1830 and is as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article?
- Q I don't think they did.
- Q What is the name of your ancestor that you claim your right to be identified through now? A John Harper.

- Q Do you claim through anybody besides John Harper? A Yes sir my grandmother.
- Q Do you claim through John Harper's wife? A Yes sir.
- Q What was her name A Mary Ann
- Q How much Choctaw blood did they both have A I've been told that they was full blood Indians; both of them.
- Q What was the name of the daughter of these two full blood Indian ancestors of yours? A Lydia.
- Q Whom did Lydia Harper marry? A Fielding Hanks.
- Q What relation was she to your father, Fielding Hanks? A Grand mother.
- Q And Fielding Hanks was his grandfather? A Yes sir.
- Q Your father was named after his grandfather? A I reckon he was.
- Q Now then, Lydia Harper who married Fielding Hanks was what relation to you? A My great grand mother.
- Q Give me the name of the ancestor who was their descendant from whom you claim? A Their son.
- Q What was his name? A I dont .
- Q I want the descendant that was either the son or the daughter of Fielding Hanks and his wife? A William Hanks.
- Q Was that your father's father? A Yes, sir.
- Q And William Hanks had a son Fielding who was your father? A Yes, sir.
- Q Now did any of these Choctaw ancestors whose names you have given live in Mississippi or Alabama in 1830 and have a family there then? A I don't know sir.
- Q Did any of these Choctaw ancestors go to Colonel William Ward within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of that treaty? A No sir not that I know of.
- Q Did any Choctaw ancestor of yours ever live in Mississippi or Alabama? A I dont know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a deed or patent from the government for that land? A I dont know.
- Q Did either of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I dont know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Indian Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you to day? A I dont think they did.
- Q Or at any time between 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A No sir.
- Q Did any of them go before the Commission appointed by act of Congress approved March 3 1837 or by act of congress approved August 23 1842 and claim any rights or benefits under article fourteen of the treaty of 1830? A I dont know.

These commissions were appointed by various acts of Congress because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 but had not done so because of the refusal of Colonel Ward the Indian agent to register their names and as a result of his refusal their land had been taken from them in the old Choctaw nation together with the improvements thereon and sold.

- Q You never heard about that? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi

Alabama Louisiana or Arkansas?? A No sir.

this scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who stated that they had gone to Colonel Ward and tried to register under article fourteen but had been refused registration; they proved when they went before this commission of 1842 that they had held land which was taken from them and because that land had been taken from them they were entitled to select land in Mississippi Alabama Louisiana or Arkansas.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant to introduce further proof in this case.

Q Are you related to Jasper Chambers? A Yes sir..

Q What relation? A Second cousin.

Q And what relation to C.C.Hanks? A Second cousin.

The case of Jasper Chambers 5670 is also referred to and the case of C.C.Hanks 6508 is referred to as the applications of relatives claiming through the same common ancestor; also the case of Fielding Hanks 6682 father of this applicant is referred to in this connection.

Examination by Mr. Harrison.

Q Did you ever hear of John Harper trying to register in Mississippi as a Choctaw Indian for the purpose of getting land there? A Yes sir I've heard that.

Q Where did you get that information - from members of your family and family connection? A Yes sir.

Q What did you hear? A I heard that he went there to register and they wouldn't let him.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has light brown hair; brown eyes; ruddy complexion; does not understand the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 8th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15th day of February 1903.

Charles H. Herring

Notary Public

M C R 6683
M C R 6684

Muskogee, Indian Territory, April 21, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage record between James Rogers and Bettie Hanks, offered in support of the application made by Bettie Rogers for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between John Baterfield and Olivia Hanks, offered in support of the application made by Olivia Batterfield for the identification of herself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

W. O. B.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6391.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1903.

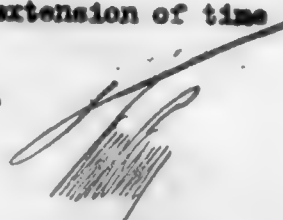
Bettie Rogers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Chairman.

M.C.R.6883.

Muskogee, Indian Territory, November 6, 1903.

Thomas A. Harrison,
Attorneys-at-law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Nettie Rogers that she will be allowed thirty days from this date in which to submit further evidence in support of her application for the identification of herself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6683

Muskogee, Indian Territory, March 14, 1904.

Bettie Rogers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application for the identification of yourself and two minor children, Christine and Stella May Rogers, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have this day been furnished with a copy of such decision; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.5683.

Muskogee, Indian Territory, June 26, 1905.

Bettie Rogers,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6683

No.

6683

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name *Bettie Rogers*Age 33 - Blood $\frac{1}{8}$ Post Office, *Muskogee, I. T.*Father: *Fielding James* lMother: *Sam F.* dClaims through *father*, $\frac{1}{4}$ -*Husband**James Rogers* l. w*Claim: nothing for husband*

Children:

Christine Rogers - 3 -*Stella May* - 1 -*Claim: for self &**2 minor*Stenographer *Clara Mitchell Wood* -

6683

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 7 1903



CHAIRMAN

General Office U. S. R.

advising that thirty days from date
will be allowed in which to submit
further evidence in support of
application for identification as
Mississippi Choctaw.



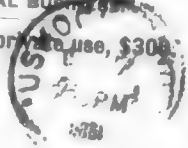
Bettie Rogers,
Muskogee, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 26 1904

A handwritten signature in dark ink, appearing to be 'H. R. H.' or similar, written over the stamp.

CHAPMAN

10695-1

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MAR 19 1904

Bettie Rogers,

Muskogee Indian Territory.

REGISTERED

MAR 19 14

MUSKOGEE

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

B. 66

Bettie Rogers et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

15

NOTICE OF DEPARTMENTAL ACTION
MAILED APPLICANT.

15

REFER TO M. C. R.

5670

Choctaw MCR 6684

Olivia Satterfield

MCR 6684

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Olivia Satterfield
for the identification of herself and her three minor children
David Bradshaw, Frank Allen and Susan Satterfield as
Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by
Mr. Harrison,

Olivia Satterfield being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Olivia Satterfield.
Q What is your age? A Twenty eight.
Q What is your post office address? A Muskogee, Indian Territory
Q How long have you lived in Muskogee? A About three days; I
came with the ones that have just registered.
Q with your father and sister? A Yes, sir.
Q Is your father Fielding Hanks? A Yes sir.
Q Is Bettie Rogers your sister? A Yes, sir.

The case of Fielding Hanks is referred to M.C.R. 6682.

- Q Your father is Fielding Hanks and your mother's name was what?
A Sarah Frances Gilmore.
Q That was her maiden name? A Yes, sir.
Q Is she dead? A Yes, sir.
Q Do you claim your Choctaw blood through your father?
A Yes sir.
Q How much do you claim? A One eighth.
Q He is one fourth is he? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian
in the Indian Territory by any authority whatever up to the
present time? A Not until now.
Q This is the only application he ever made? A Yes sir.
Q Is your husband living? A Yes sir.
Q And what race is he or nationality? A White..
Q What's his name? A John Satterfield..
Q You make no claim for him? A No sir.
Q What are the names of your children? A David Bradshaw Satter-
field.
Q How old is he? A Five.
Q Next? A Frank Allen.
Q How old is he? A Three.
Q The next? A Susan; one, past..
Q You claim for yourself and these children? A Yes sir.
Q Is John Satterfield the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and are
these children living with you at his home? A Yes sir.
Q Is your name or are the names of any of your children on any
of the tribal rolls of the Choctaw Nation in the Indian Terri-
tory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian
territory? A No sir not until now.
Q Have you ever made any such application for citizenship
to the Choctaw Nation to the Dawes Commission under act of
March 3, 1897? A No sir.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child who is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article; do you know? A Not that I know of.
- Q What is the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.
- Q Who else do you claim through; if any body. A His daughter Lydia.
- Q Why is it you all leave out Mary Ann when I ask you particularly? A That was his wife.
- Q Is it a matter of family history and tradition that you claim not only through John Harper but through his wife Mary Ann? A Yes sir.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q How much did his wife have? A The same.
- Q Have you heard as much about Mary Ann Harper as John?
- A No sir; I haven't.
- Q Did you say they had a daughter named Lydia? A Yes sir.
- Q Whom did Lydia marry? A Fielding Hanks.
- Q And they had a son named William? A Yes sir.
- Q What relation was William to you? A My grandfather; my father's father.
- Q And your father's name is Fielding Hanks? A Yes sir.
- Q Named after his grandfather? A Yes sir I suppose so.
- Q Did any of these Choctaw ancestors of yours from John Harper down live in Mississippi in 1830 or Alabama in the old Choctaw Nation and have a family there then? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and try to register under article fourteen of the treaty of 1830? A John Harper tried to reg-

- ister about that time I think.
- Q Did he live in Mississippi at that time or did he go from Kentucky. A I dont know whether he lived in Mississippi or not.
- Q He previously lived in Kentucky? A Yes sir.
- Q Do you know where he was born and when he was born? A In Montgomery County.
- Q Was his wife born there? A I dont know.
- Q Did she go to Mississippi herself? A I cannot tell you.
- Q Did he go there in time to register? A I suppose he did.
- Q That would be within six months after the ratification of the treaty of 1830; did he register? A No, they wouldn't let him register.
- Q Did he attempt to? A That's what I've been told.
- Q Did he attempt to register for his wife? A I dont know.
- Q After he went before Colonel Ward or tried to go before him to register where did he go? A He went back to Kentucky I think.
- Q Right away? A I think he went then.
- Q He didn't live after that in Mississippi or Alabama five years on land and then get a patent from the government?
- A No sir.
- Q Did he claim any land after that in Mississippi or Alabama under article fourteen? A I think he did.
- Q Do you know? A I dont know whether he did or not.
- Q A good many Indians tried to register under article fourteen but Ward refused to allow them to register and they made no other effort after that - that is they didnt occupy land or assert any rights; now my question is whether you know whether he stayed in Mississippi and tried to occupy land or went back right away to Kentucky. A I dont know.
- Q Or did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors go at any time between the ratification of the treaty of 1830 which would be the 24th day of February 1831 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A Not that I know of.
- Q Did any of them own or claim any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Or 1831? A I dont know.
- Q Did any of them go before a commission appointed by act of congress approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and make application for rights or benefits under article fourteen of the treaty of 1830? A I dont know.
- These commissions were appointed to hear claimants who tried to register under article fourteen but Ward refused to register them and because of his refusal to register them the government had afterwards taken their land from them and sold it at its public land sales.
- Q Did any of your Choctaw ancestors receive any scrip or certificates which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the

old Choctaw Nation and sold.

Q Do you speak Choctaw? A No sir.

Q What relation is Jasper Chambers to you. A He's my second cousin.

Q And G.C. Hanks? A He's just the same; second cousin.

Q Would you like to have your case and your father's case - Fielding Hanks, N.C.R. 6682 considered in connection with the case of Jasper Chambers 8670 and G.C. Hanks 6508?

A Yes sir.

Thirty days time is allowed this applicant for the introduction of other proof.

Examination by Mr Harrison:

Q You don't know that John Harper was born in Kentucky. A No sir I don't.

Q If you stated it to be a fact that he was born in Kentucky were you mistaken? A Of course; I don't know it.

Q Neither do you know it to be a fact that John Harper went back to Kentucky immediately after he tried to register in Mississippi do you? A No sir.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; light hair; light complexion; blue eyes; does not understand the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 18th day of February 1903.

Charles K. Sawyer

Notary Public.

M.C.R. 6884.

Muskogee, Indian Territory, November 5, 1903.

Olivia Satterfield,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6684.

Muskogee, Indian Territory, November 5, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Olivia Satterfield that she will be allowed thirty days from this date in which to submit further evidence in support of her application for the identification of herself and her minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Olivia Satterfield,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, David B., Frank A. and Susan Satterfield, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the end of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6684.

Muskogee, Indian Territory, June 26, 1905.

Olivia Satterfield,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6684

No.

6684

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name *Olivia Satterfield,*

Age 28

Blood

1/8

Post Office,

Muskogee, D. T.

Father:

Fielding Hanks, l.

Mother:

Sarah F. (d)

Claims through

*Father, 1/4.**Husband.**John Satterfield, l. w**No claim for husband*

Children:

*David B. Satterfield 5-**Frank A. " 3**Susan " 1**Claim for reg. 2*
3 min

Encephalographer

Ch. M. T. W.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Olivia Satterfield

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 24 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 9 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 13 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

5670

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

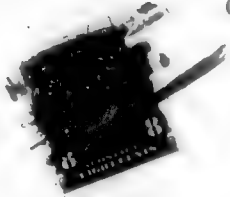
APR 26 1904

A handwritten signature in dark ink, appearing to be "T. R. Smith", written over the typed name "T. R. Smith".

— CHAIRMAN —

10697

MAR 19 1904



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Olivia Satterfield

Muskogean Territory.



REGISTERED

MAR 19 14

MUSKOGEE, IND. TER.

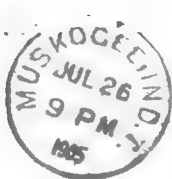
FILED
JUL 27 1905
COMMUNICATIONS SECTION

Department of the Interior:

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

6684

Name Not in City Directory.



Olivia Satterfield
Muskogee, Indian Territory.

RETURNED
TO
WRITER

Choctaw MCR 6685

Nannie Ingram

MCR 6685

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of James Rogers for the identification of his sister-in-law, Nannie Ingram and her four minor children Bradley, Stella, Bernice and Alma Ingram as Mississippi Choctaws.

Thomas & Harrison Attorneys for applicant, represented by Mr Harrison.

James Rogers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Rogers/
Q What is your age? A Thirty
Q What is your post office address? A Muskogee, Indian Territory.
Q Are you related to Nannie Ingram? A Yes, sir.
Q What relation? A Sister-in-law of mine.
Q Your wife's sister? A Yes, sir.
Q Your wife's name is what? A Bettie Rogers.
Q Bettie Rogers made application for identification as a Mississippi Choctaw today? A Yes sir.
Q You want to make application for her sister? Nannie Ingram?
A Yes sir.
Q How old is Nannie Ingram? A Thirty seven.
Q What is her post office address? A Hope, Montgomery County Kentucky.
Q Where was she born? A In Montgomery County Kentucky.
Q Has she always lived in Kentucky? A Yes sir.
Q Is her father living? A Yes sir.
Q What is her father's name? A Fielding Hanks.
Q Fielding Hanks is now before the Commission, is he not?
A Yes, sir.
Q And has made application for himself to be identified as a Mississippi Choctaw today? A Yes sir.
Q His application is number 6682 is it? A Yes sir.
Q And would you like to refer to her father's application 6682?
A Yes sir.
Q What is her mother's name? A Sarah Gilmore; Sarah Frances.
Q Hanks is it? A Yes sir.
Q Gilmore was her maiden name? A Yes sir.
Q Is she living? A No sir.
Q Do you claim your wife's Choctaw blood through her father Fielding Hanks? A Yes, sir.
Q How much Choctaw blood has your wife? A One eighth.
Q Her father is one fourth? A He claimed one fourth today.
Q Is he before the Commission? A Yes sir.
Q By what authority do you make this application for your wife's sister. A Power of attorney.
Q Executed by her and her husband? A Yes sir.
Q This power of attorney that you present now authorizes you to make this application for her identification as a Mississippi Choctaw does it? A Yes sir.
Q You want to present this do you? A Yes sir.

Power of attorney signed by Nannie Ingram and her husband Richard Ingram authorizing her brother in law James Rogers to make this application in her behalf before the Commission is

presented by him, received, filed marked exhibit A., and made a part of the record in this case.

- Q You also want to present this doctor's certificate as to her present condition? A Yes sir.
- Q This doctor's certificate is signed by S.H. Thomas M.D. Do you know this doctor? A Yes sir.
- Q Do you know that he signed this paper? A Yes, sir.
- Q And do you know that Nannie Ingram is in a physical condition stated in this doctor's affidavit? A Yes sir.
- Q This affidavit is without seal but is signed by W.B. O'Connell Deputy Clerk Montgomery County Court; do you know him? A Yes sir.
- Q Do you know his signature? A Yes sir.
- Q Is that his signature? A Yes sir.

This certificate is accepted, marked exhibit B, filed and made part of the record in this case.

- Q Do you know whether Fielding Hanks, Nannie Ingram's father has ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory? A Never has.
- Q Has his marriage license and certificate been filed in any application, either made by him or any of his family before the Commission? A Yes sir.
- Q Would you like to have the proof of the marriage of the father and mother of Nannie Ingram filed with the Commission referred to? A Yes sir.
- Q How is her husband living? A Yes sir.
- Q What is Nannie Ingram's husband's name? A Richard Ingram.
- Q He's living and a white man is he? A Yes sir.
- Q No application is made for him? A No sir.
- Q Has she any minor children? A Four.
- Q What is the name of the oldest? A Bradley Ingram.
- Q How old is Bradley? A Ninety six.
- Q He was born in ninety six? A Yes sir.
- Q Seven years old? A Yes sir.
- Q The next? A Stella Ingram.
- Q How old is she? A Ninety seven.
- Q Six years old? A Yes sir.
- Q Next? A Bernice.
- Q Girl? A Yes sir.
- Q How old? A Ninety nine.
- Q Four years old? A Yes, sir.
- Q The next? A Alma Ingram.
- Q Girl? A Yes, sir.
- Q How old? A 1901.
- Q Two years old. Any others? A No sir that's all.
- Q You make this application then do you for Nannie Ingram and her four children? A Yes sir.
- Q Is Richard Ingram the father of these four children? A Yes sir.
- Q Do you know when and where she and her husband were married? A Bath County I think.
- Q Kentucky? A Yes sir.
- Q Do you know what day of the month and year? A No sir.
- Q Were they married by a minister under a license? A I don't know.
- Q Is her name on the names of her children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Has any application ever been made for her or by her or

Q Now for her children to the Choctaw tribal authorities in the Indian Territory for citizenship in that Nation?

A No sir.

Q Has any application ever been made for her or her children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896. A No sir.

Q Was she or her children ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.

Q Do you now desire to identify her and her children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A Yes sir.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you claim today for Nannie Ingram and her children. Do you know whether any of her ancestors complied or attempted to comply with that article of that treaty? A No sir.

Q What is the name of her ancestor through whom you make this claim for her today? A John Harper.

Q Do you claim also for her through Mary Ann Harper the wife of John Harper? A Yes sir.

Q Were both Choctaw Indians? A Yes sir.

Q What relation was John Harper to her? A Great great grandfather

Q She claims through the same ancestry for herself and children that her father Fielding Hanks claimed through who made application today? A Yes sir.

Q Did John Harper or his wife live in Mississippi in 1830 and have a family there then? A No sir.

Q Did they ever live in Mississippi or Alabama in the old Choctaw Nation? A I don't know.

Q Did either of them go to Colonel Ward within six months after the ratification of the treaty of 1830 and attempt to register under article fourteen of the treaty of 1830? A I don't know.

Q Did either of them live on land in the old Choctaw Nation five years and then get a patent from the government for that land? A I don't know.

Q Did either of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for Nannie Ingram and her children? A I don't know.

Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A No sir.

Q Did John Harper or Mary Ann his wife or any other Choctaw ancestor of Nannie Ingram go before the Commission of 1837 or the Commission of 1842 and claim her benefits under

or the Commission of 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed to hear complaints of Indians who might have gone before Colonel Ward within six months after the ratification of the treaty of 1830 and who might have attempted to register before him as a Choctaw under that article but Ward refused to register them and because of his refusal to do so the government had taken their land from them and sold it at its public land sales, and these commissions were appointed to hear those claims; many of those Indians had their claims adjudicated by these two different commissions.

- Q Did any of the Choctaw ancestors of Nannie Ingram receive and scrip from the government which scrip was issued under act of Congress approved August 23 1842 and which entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which the government had taken from them in the old Choctaw Nation and sold.
- A Not that I know of.
- Q Does she speak or understand the Choctaw language? A No sir
- Q Is she dark or light? A She's a little dark.
- Q Has she black eyes or brown or blue? A Brown.
- Q Hair brown or black? A Black.
- Q Complexion dark? A Yes sir.
- Q How is Bradley Ingram her oldest child as to complexion?
- A Fair I think.
- Q Blue eyes? A Yes sir.
- Q And Stella, how is she? A She's fair.
- Q Blue eyes? A She's fair.
- Q Blue eyes? A Yes.
- Q Alma? A Yes.
- Q Blue eyes? A Yes.

Thirty days time is allowed in this case for the introduction of other proof

- Q Is she related to C.C.Hanks and Jasper Chambers? A Yes sir.

The case of Jasper Chambers 5670 and C.C.Hanks 6508 is referred to as claimants claiming through the same common ancestor through whom this application is made.

Examination by Mr. Harrison:

- Q Did you ever hear of John Harper making an attempt to register in Mississippi about 1830? for the purpose of getting land as a Choctaw Indian? A Yes sir I've heard of that.
- Q Where did you get that information? A I just got that from my wife's people.
- Q What did you hear? A I just heard he went there to register and they wouldn't let him.
- Q Where did he go from? A I don't know.
- Q Did you ever hear that he and his wife ever lived in Mississippi? A No sir.
- Q What you have heard was just talk among your wife's people?
- A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause and that the above and foregoing is a true transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 16th day of February 1903.

Charles H. Sawyer
Notary Public.

M C R 6688 ✓
M C R 6713
M C R 6879

Muskogee, Indian Territory, May 11, 1903.

Thomas & Harrison,
Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing certified copy of marriage certificate between Richard Ingram and Fannie Hanks, offered in support of the Mississippi Choctaw case of Fannie Ingram, et al.

Also affidavits of John F. Turnbull and Ap Swenson, and certificate of John A. Spurlock, recorder of deeds, Douglas county, Missouri, offered in support of the Mississippi Choctaw case of Phoebe Dobbs, et al.

Also certificate of marriage between Jasper Diakson Wake and Mary E. Freeman, offered in support of the Mississippi Choctaw case of Mary E. Wake.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 1, 1903, enclosing certified copy of marriage certificate between Richard Ingram and Nannie Hanks, offered in support of the Mississippi Choctaw case of Nannie Ingram, et al. The same has been filed with the record in said case.

Respectfully,

Commissioner in Charge,

M C R 6685

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified James Rogers and Hannie Ingram that they will be allowed thirty days from this date in which to submit further evidence in support of the application of Hannie Ingram, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6686

Muskogee, Indian Territory, November 6, 1903.

James Rogers,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your sister-in-law, Nannie Ingram, and her minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6685

Muskogee, Indian Territory, November 6, 1903.

Nannie Ingram,

Hope, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6635

Muskogee, Indian Territory, March 14, 1904.

Nannie Ingram,

Hope, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by James Rogers for the identification as Mississippi Choctaws of yourself and your four minor children, Bradley, Stella, Bernice and Alma Ingram, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such brief and argument as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 5685.

Muskogee, Indian Territory, June 20, 1905.

Marie Ingram,

Hope, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6685

No. 6685

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date FEB 9 1903
 Name James Rogers, for Nannie
 Ingram, 2 4 minor
 Age 37. Blood 1/8

Post Office, Hope, Ky -

Father: Fielding Hanks, C.

Mother: Sarah F. " (d)

Claims through father. 1/4 --

~~Hope.~~Husband
Richard Ingram P.W.No claim for husband
Children of Nannie Ingram

Bradley Ingram. 7

Stella " 6

Bernice " F. 4

Alma " T. 2

Claims for Nannie
 Ingram 2 1/4
 minor children

Stenographer Claude T. (W.)

6685

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 9 1903

A handwritten signature in dark ink, appearing to be 'J. M. Smith' or similar, written over the typed name.

CHAIRMAN

JM

General Office "A. R.
Advising that Thirty days from
Nov. 6, 1903, will be allowed in
which to submit further evidence in
support of application of N. J.
Ingram, to identification as a
Mississippi Choctaw.

James Rogers,
Muskogee, Indian Territory.

Department of the Interior.

Commissioner of the Five Civilized Tribes

NUMEROUS OTHERS

ACKNOWLEDGMENTS

Penalty for private use, \$300.



MISSISSIPPI CHOCTAW

Nannie Ingram et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 6686

James H. Howard

MCR 6686

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of James Henry Howard for the identification of himself and three minor children Charles Logan, Chester and Marcelien Howard as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

James Henry Howard being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Henry Howard.
Q What is your age? A My age is forty five.
Q What is your post office address? A Butchard, Nebraska.
Q How long have you lived there? A Since about sixty eight.
Q Where did you live before that? A In Douglas County Missouri.
Q How long did you live there? A A short time prior to this though; we moved to Nebraska early in sixty three I think it was, then went back to Missouri, then came back again.
Q Where were you born? A Douglas County Missouri.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Phillip J. Howard.
Q What was your mother's name? A Minnie Wood or Minnie Howard.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim she was one eighth? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not to my knowledge.
Q Is your wife living? A Yes sir.
Q What is her name? A Carrie E.
Q What is her nationality or race? A White.
Q Do you make any claim for her? A No sir.
Q You have three children? A Three children.
Q What is the name of the oldest child? A Charles Logan.
Q How old is he? A Eighteen.
Q The next? A Chester.
Q How old is Chester? A Fifteen.
Q The next? A Marcelien.
Q Girl? A Yes, sir.
Q How old? A Two years old.
Q Is your wife Carrie E. Howard the mother of these three children? A Yes sir.
Q Are you and your wife living together as husband and wife and are these children living with you at your home? A Yes sir.
Q When were you married to your wife and where? A The 14th day of November 1878.
Q What place? A Parthling County Nebraska.
Q By a minister? A Yes sir.
Q Have you the proof of that marriage here? A No sir I haven't it with me.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made application for yourself and children for any such citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A Not to my knowledge; no sir; no I never have.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No, not to my knowledge.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A Yes, sir I that would be it.
- Q You think you understand that well enough to claim under it?
- A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you make your claim today? A Through Alababeth Freeman; my great grand mother.
- Q What was her maiden name? A Her maiden name was Ball so I've been informed.
- Q What was the name of her husband? A Aaron Freeman.
- Q Did he have any Choctaw blood? A I think not.
- Q Did she? A Yes sir I understand she was half; that's what I've been told.
- Q Did she live in Mississippi in 1830 in the old Choctaw Nation or in Alabama? A I can't answer that.
- Q Did she ever live in that old Choctaw Nation at any time?
- A I can't say.
- Q Have you ever heard it talked in the family? A I've heard it talked that she has lived there.

- Q Did you ever hear that she lived there in 1830 and had a family there then in that old Choctaw nation? A No.
- Q You never heard she lived there in 1830 and had a family there then? A No sir.
- Q Did you ever hear that she or any Choctaw ancestor went to Colonel Ward the United States Indian agent within six months after the treaty of 1830 was ratified and tried to register under article fourteen of the treaty of 1830? A No sir.
- Q Did she or any Choctaw ancestor of yours live on land in the old Choctaw Nation five years and then get a patent from the government for that land? A Not that I know of.
- Q Did any Choctaw ancestor of yours claim any land in that old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not to my knowledge.
- Q Did any Choctaw ancestor of yours, Alabath Freeman or any other go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians at any time between 1833 and 1838? A Not to my knowledge, no sir.
- Q Did any of your Choctaw ancestors having Choctaw blood go from that old Choctaw nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I cant say.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I cant say.

In 1837 and also in 1842 commissions were appointed which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because of the complaints of Choctaw Indians who stated that they had gone to Colonel Ward the Indian Agent within six months from the ratification of the treaty of 1830 and tried to register under article fourteen of that treaty but that Colonel Ward refused to allow them to register; the government had taken the land from them and sold that land at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article fourteen of that treaty? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not to my knowledge.

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are you related to John H. Bennight? A Yes from what I've been told I am; I'm not personally acquainted with him.
- Q What relation are you to him, do you know? A He would be a second cousin of ours, the way I've been informed.
- Q He has been before the Commission claiming the right to be identified as a Mississippi Choctaw through Alabath Ball; is that the same ancestor through whom you claim? A Yes, sir.
- Q Do you want to have your case considered with his?
- A Yes, sir.

The case of John H. Bennight M.C.R. 6255 is referred to for the purpose of consolidation. Also John P. Turnbull et al M.C.R. 6599 is referred to as a claimant claiming through the same common ancestor.

Thirty days time is allowed in this case for the introduction of other proof.

Examination by Mr. Harrison.

- Q What information have you that Alabentha Ball ever attempted to register in Mississippi in 1830 or 1831 for the purpose of getting land in Mississippi as a Choctaw Indian?
- A I haven't any, much.
- Q What is your information - have you ever heard? A I heard my uncles talk here lately; that's getting me in too deep water; I don't think I could answer it.
- Q I'm not asking you for facts; I'm asking what you have heard; what was your uncle's name? A William Wood.
- Q What did they undertake to tell you relative to the matter?
- A Well, something like this; they seemed to bring it about like as though that as far back as I could get any information they thought they could prove that the old lady went back at this time, and they talked as though they were certain that could be produced, but of course I don't know anything about it.
- Q What did they say she went back for? A For her rights there I think.
- Q How did they say she was laying the foundation for her claim after she got there - was she to go before some agent of the government? A I suppose it was before the agent; I don't know. That's the way they talked.
- Q Have you ever heard any other members of the family mention it except these two? A No; yes, Uncle Aaron's wife Ailsay Johnson; they talked the same thing; that was the general supposition.
- Q The only way you can get it is from family tradition and history? A Yes sir.
- Q Do you remember when they said it was that your great grandmother went back to Mississippi to register; what year it was in? A It was about 1830; I think it was.
- Q Where was it said she went from? A She went from Missouri I believe.
- Q Where is it said that she lived in Mississippi? A I can't answer that.
- Q You don't remember that? A No sir.
- Q Did you ever hear that she and her husband ever lived in Mississippi? A Yes, I've heard them talk that they lived there.
- Q Was that before or after she went to register? A Before, in the way I understand it; of course I don't know; as far as she going back to register or not; that's just a supposition; I don't know.
- Q Is that supposition or is it family history? A It's family talk.
- Q They talk of it as a tradition in the family? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair; blue eyes; ruddy complexion; does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the Treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath

James Henry Howard 2

states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of February 1903 and that the foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Chenutechell Wood

Subscribed and sworn to before me this 18th day of February 1903.

Charles H. Sawyer

Notary Public.

M C R 6626

Muskogee, Indian Territory, February 20, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing the joint affidavit of W. H. Wood and Alabeth Johnson to the marriage of Philip J. Howard and Winney Wood, offered for filing in support of the application made by James H. Howard for the identification of himself and his minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6842
M C R 6636

Muskogee, Indian Territory, May 2, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th ultimo, enclosing certified copy of marriage record between James H. Howard and Carrie E. Pendleton, offered in support of the Mississippi Choctaw case of James H. Howard, et al.

Also certified copy of marriage license and certificate between Chas. E. Ledford and Nettie Browning, offered in support of the Mississippi Choctaw case of Charles Emmett Ledford, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M C R 6686
M C R 6687
M C R 6767

Muskogee, Indian Territory, August 10, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Certified copy of marriage record between James H. Howard and Carrie E. Pendleton, and letter from John C. Harlan, county clerk of Osark county, Missouri, offered in support of the Mississippi Choctaw case of James H. Howard, et al.

Certified copy of marriage license and certificate between William J. Howard and Mary Atherton, and William J. Howard and Melinda Somers, offered in support of the Mississippi Choctaw case of William J. Howard, et al.

Certified copy of marriage certificate between Perry Cheatham, Jr. and Adeline Whitman, offered in support of the Mississippi Choctaw case of Mattie Harris, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY:

M. C. R. 6656

Muskogee, Indian Territory, June 15, 1904.

James Henry Howard,
Burchard, Nebraska,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Charles Logan Howard, Chester Howard and Marcelien Howard.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(signed)

Registered.

James Bixby
Chairman

M.C.R. 6686.

Muskogee, Indian Territory, May 8, 1905.

James H. Howard,

Burchard, Nebraska.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6686.

No.

6686

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name James H. Howard

Age 45.

Blood 1/16

Post Office, Burchard, Neb.

Father: Philip J. Howard, d.

Mother: Winnie " d.

Claims through mother 1/8

wife.

Carrie E. Howard l. w
No claim for wife.

Children:

Charles L. Howard, 18

Chester " 15

Marceline " F. 2

Claim for self
and 3 minors

Stenographer Clara J. Jones Wood

FOR... AS...
JAMES H. Howard

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS CHOCTAW
CHICKASAW NATIONS

REFER TO M. C. H.
6255

Choctaw MCR 6687

William J. Howard

MCR 6687

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of William Jefferson Howard for the identification of himself and his ten minor children William Frederick, Vernia Hope, Henry K., Ruth, Philip J., Harlow, Hazel, Fern, Otto Allen and Odessa Howard as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

William Jefferson Howard being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Jefferson Howard.
Q What is your age? A I'm forty years old.
Q What is your post office address? A Tate, Nebraska.
Q How long have you lived there? A Well, sir, I've lived there about thirty three years as near as I can tell.
Q Where were you born? A Douglas County, Missouri.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Philip J. Howard.
Q What was your mother's name? A Winnie Wood.
Q Was that her maiden name? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A As near as I can tell I claim one sixteenth.
Q Was your mother one eighth? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not that I know of.
Q Is your wife living? A Yes, sir.
Q Have you been married more than once? A I've been married three times.
Q Have you children by all three wives? A Yes sir; but I have only one by my first wife.
Q What was your first wife's name? A Mary Atherton. That was her maiden name.
Q What was her nationality? A English.
Q What was your second wife's name? A Mary E. Warren.
Q Is she dead? A Yes sir.
Q What was her nationality? A Why I guess she claimed to be Pennsylvania Dutch.
Q And is your third wife living? A Yes sir.
Q What is her name? A Malinda Summers was her maiden name.
Q Is her nationality white also? A Yes sir.
Q You don't make my claim for her as a Choctaw then? A No sir.
Q How many children under age and unmarried have you by your first wife, Mary? A None.
Q How many children have you under age and unmarried by your second wife Mary E. A I have four under age and unmarried by my second wife.
Q Give me the name of the oldest one of these four.
A William Frederick.
Q How old is William Frederick? A Sixteen years old.

- A Sixteen years old.
- Q Next? A Vernia Hope.
- Q Is that a girl? A Yes sir.
- Q How old is she? A Fourteen.
- Q Next? A Henry K.
- Q How old? A Thirteen.
- Q Next? A Ruth Howard.
- Q How old? A Nine years old.
- Q Are these the children of your second wife? A Yes sir.
- Q And these are all by your second wife? A Them four, yes sir.
- Q The rest are the children by your third wife Malinda.
- A Yes sir.
- Q Give me the names. A Philip J.
- Q How old? A Seven years old.
- Q Next? A These are twin children, one is Harlie Howard.
- Q The next one? A The next is Hazel.
- Q These are twins? A Yes sir.
- Q How old? A Five years.
- Q The next child? A Fern.
- Q Boy? A Girl.
- Q How old is she? A Four years old.
- Q The next? A Otto Allen.
- Q Boy? A Yes sir.
- Q How old? A Two years.
- Q Next? A Odessa.
- Q Girl? A Yes sir.
- Q How old? A Nine months old.
- Q Is Malinda the mother of these last six children? A Yes sir.
- Q Have you the proof of your marriage to your first wife with you? A Yes sir.
- Q Have you the proof of your marriage to your second wife with you? A No sir.
- Q Have you the proof of your marriage to your third wife with you? A No sir.
- Q Can you tell when and where you were married to your first wife Mary? A I can't give the dates; Pawnee County Nebraska.
- Q By a minister under a license? A Yes sir.
- Q Were you married in Nebraska to your second wife? A Kansas, Shawnee County.
- Q Do you remember the day of the month and year? A No sir.
- Q Do you remember the day of the month and year of your marriage to your third wife? A No, sir.
- Q Is your name or the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and minor children? A No sir.
- Q Have you ever made any such application for yourself and children to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that well enough to claim under it? A Yes sir, as I've been told.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one-quarter of

six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. "

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article; do you know?
- A I don't know.
- Q Who do you claim through? A Alabeath Ball.
- Q Was that her maiden name? A Yes sir.
- Q What was her husband's name? A Aaron Freeman.
- Q Did Alabeath Freeman nee Ball live in Mississippi or Alabama in 1830 and have a family there then? A I don't.
- Q Did she ever live in that old Choctaw nation at any time?
- A I don't know.
- Q Can you give the name of any Choctaw ancestor who did?
- A No sir.
- Q How do you know that you are the descendant of a Mississippi Choctaw ancestor? A Just from what I've heard other ones say.
- Q Then you must have heard that some of your Choctaw ancestors lived in Mississippi or Alabama, for that's what constitutes a Mississippi Choctaw. A I've heard so much I get tangled; I can't answer that correctly I'm afraid.
- Q Did you ever hear that any Choctaw ancestor of yours went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and signified to him the intention of remaining in Mississippi taking land and becoming a citizen of the states? A No sir.
- Q Did any Choctaw ancestor of yours live on land in that old Choctaw Nation five years after the ratification of the treaty of 1830 and at the end of five years get a patent from the government for that land? A I don't know.
- Q Did any of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can't tell you.
- Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I've been told that this grandmother Freeman did; that's all I know, about it.
- Q That she went from Mississippi to the Indian Territory?
- A Yes I've been told she did.
- Q Then you understand that she went to the Choctaw Nation Indian Territory at some time? A No I don't think she did; I think she went to Mississippi.
- Q Went from some place to Mississippi; where did she go from when she went to Mississippi? A Well I kinder believe she came back to Missouri.
- Q Did she used to live in Missouri before she went to Mississippi.
- A I don't know.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation either in Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians at the expense of the government between 1833 and 1839? A I don't know.

- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1832? A Not that I know of.
- Q Did any of them go before a commission appointed in 1837 or before a commission that was appointed by act of Congress in 1842 which commissions were appointed by various acts of Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed by various acts of Congress in order to hear Choctaw Indian claimants who claimed that they had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and because he had refused to do so the government had taken their land from them and sold it at its public land sales.

- Q You don't know whether any of your Choctaw ancestors went before either of these commissions? A I understand that grandmother Freeman went there in 1830 and come back.
- Q That was in 1830 but these commissions were appointed some years after that. A I don't know about that.
- Q What relation was Alabeanh Freeman to you? A She was my great grandmother.
- Q You claim through your mother? A Yes sir.
- Q And she claimed through which parent - her father or mother? A Mother.
- Q What was her mother's name? A Her name was Wood; Sarah Ann Freeman was her maiden name.
- Q Sarah Ann Freeman married a man named Wood; whom did she claim through - father or mother? A Mother.
- Q Was that Alabeanh Freeman? A Yes sir.
- Q Did any of those ancestors live in Mississippi or Alabama? A I don't believe I ever heard anything about that; I think so, but I don't know; I've heard so much, I don't know.
- Q Where did Sarah Freeman live, if you know? A I don't know.
- Q She would be your grandmother? A I don't know where she lived; Sarah Wood lived in Missouri a long time but I don't know how long.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and authorized the holder to select land in Mississippi Alabama Louisiana or Arkansas.

- Q How do you speak the Choctaw language or understand it? A No, sir.

Thirty days time is allowed this applicant in which to introduce other proof in support of this claim.

- Q Do you know John H. Bennight? A I've heard of him.
- Q Is he a relative of yours? A I've heard he's a second cousin.
- Q He has made application to be identified as a Mississippi and the number of his case is 6265; do you want to have your case considered with his? A Yes sir.

The case of John H. Bennight M.C.R 6265 is here referred to for the purpose of consolidation; reference is also made to the case of John W. Turnbull.

- Q Have you any other evidence you want to present now? A No sir.

Examination by Mr. Harrison:

- Q Who of your family have you heard speak of your great grandmother having made an application to register in Mississippi for the purpose of getting land as a Choctaw Indian?
- A It runs in my mind that I heard two of my uncles and one aunt speak about them getting land but whether they made application or not of course I don't know.
- Q What did you hear she went there for? A For the purpose of doing that.
- Q Do you recollect when that was? A No sir.
- Q Where did you get that from if you remember? A I don't remember what I did hear about that exactly.
- Q Do you remember why she didn't register or wasn't permitted to register? A I heard that the officer got drunk and wouldn't take but just a few of them; she was out out.
- Q Do you remember the officer's name? A No sir; I never heard it; that's just talk; I heard that.
- Q How old were these people who gave you this information?
- A I can't tell you how old. They were quite old; they were in sixties any way.
- Q Have they ever lived in Mississippi? A I think not; not that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; brown hair; does not understand or speak the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 18th day of February 1903.

Charles H. Sawyer
Notary Public

M C R 6602-6639
M C R 6607-6768

Muskogee, Indian Territory, March 19, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage license and certificate between William J. Howard and Mary Ellen Warren, offered in support of the application made by William J. Howard for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between Aaron F. Johnson and Elizabeth West offered in support of the application of Lovie J. Baldwin for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between John H. Wood and Christina Loyd, offered in support of the application of John H. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license between Leonard Cheatham and Breckley J. Morgan, offered in support of the application made by Breckley J. Davis for the identification of Clara H.

T A N 2

and Nisha M. Chastan as Mississippi Chastan.

The above mentioned documents have been filed and made
a part of the record in the respective cases.

Respectfully,

Chairman.

M C R 6687
M C R 6689

Muskogee, Indian Territory, May 8, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certificate from the county clerk of Douglas county, Missouri, relative to the destruction by fire of the record of marriages of said county, offered in support of the Mississippi Choctaw case of Martha J. Hafner, et al.

Also certified copy of marriage license and certificate between William J. Howard and Melinda Somers, offered in support of the Mississippi Choctaw case of William J. Howard, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

N C R 6686
N C R 6687
N C R 6767

Muskogee, Indian Territory, August 10, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Certified copy of marriage record between James H. Howard and Carrie E. Pendleton, and letter from John C. Harlan, county clerk of Osark county, Missouri, offered in support of the Mississippi Choctaw case of James H. Howard, et al.

Certified copy of marriage license and certificate between William J. Howard and Mary Atherton, and William J. Howard and Melinda Somers, offered in support of the Mississippi Choctaw case of William J. Howard, et al.

Certified copy of marriage certificate between Perry Cheatham, Jr. and Addaline Whiteman, offered in support of the Mississippi Choctaw case of Hattie Morris, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6687.

Muskogee, Indian Territory, June 15, 1904.

William Jefferson Howard,

Tate, Nebraska,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, William Frederick Howard, Vernia Hope Howard, Henry K. Howard, Ruth Howard, Philip J. Howard, Harlie Howard, Hazel Howard, Fern Howard, Otto Allen Howard and Odessa Howard.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6687.

Muskogee, Indian Territory, May 8, 1905.

William J. Howard,

Tate, Nebraska.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Benight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6687

No. 6687

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name William J Howard

Age 40

Blood

42 416

Post Office,

Tate, Neb.

Father: Philip J Howard, d.

Mother: Winnie " d

Claims through

mother 1/8

Wife, 1. Mary Howard (d) w.

" 2. Mary E. " (d) w.

" 3. Malinda " l. w.

No claims for wife (3) -

Children:

William F. Howard 16

Vernia H. " F. 14

Henry K " 13

Ruth " 9

(above 4 children by

2nd wife Mary E. Howard)

Philip J. Howard 7

Charlie Howard 5

Hazel " { 5

Fern " F 4

Otto A " " 2

Odessa " F 9 m

Malinda is mother of last

6 minor

claims for self and 10 minor

Stenographer

Clara McIntosh Wood

REFUSED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

William J. Howard

DECISION RENDERED JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

JUN 15

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

**REFER TO M. C. R.
6255**

Choctaw MCR 6688

Polly A. Wallace

MCR 6688

6688

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Polly Ann Wallace for the identification of herself and her three minor children Susan M., Martha M. and Ada Christina Wallace as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant.

Polly Ann Wallace being first duly sworn testified as follows:

Q Examination by the Commission:

- Q What is your name? A Polly Ann Wallace.
Q What is your age? A Forty three.
Q What is your post office address? A Topaz, Missouri.
Q How long have you lived in that place? A I've lived there nearly all my life; I was born in Mississippi but I've lived in Missouri all my life.
Q Is your father living? A Yes sir.
Q What is his name? A William H. Wood.
Q What is the name of your mother? A Susan.
Q Is she living? A Yes sir.
Q You claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A I claim one sixteenth.
Q Do you claim your father is one eighth? A Yes sir.
Q When did he make application to be identified as a Mississippi Choctaw? A When Mr. Bennight did; him and Mr. Bennight are own cousins.
Q John H. Bennight? A Yes sir.

That case is referred to in this connection 6265 under which these cases are consolidated.

- Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian territory?
A No sir.
Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you know when and where he and your mother were married?
A Yes sir they were married in Douglas County Missouri.
Q What date were they married? A I don't know as I can tell exactly.
Q Do you know what year? A They were married about fifty nine; they were married in July.
Q By a minister under a license? A He is working for his license he hasn't got them; he told me to tell you that he would get them and send in in a few days.
Q Is your husband living? A No sir.
Q Have you been married more than once? A No sir.
Q What was your husband's name? A Wallace; William Z. Wallace.
Q Did he have any Choctaw blood? A No sir not that I know of.
Q He was a white man? A Yes sir.
Q The children claim through you alone? A Yes sir.
Q How many children have you? A I've got six.

- Q All under age and unmarried? A No, there's three under age.
 Q Give me the name of the oldest under age and unmarried?
 A Susan V.
 Q How old is Susan. A Sixteen.
 Q What is the name of the next one? A Martha M.
 Q How old is Martha? A She was ten last September.
 Q Next? A She will be six the eighteenth of next month.
 Q Five now? A Yes sir.
 Q What is the name of this child? A Ada Christina.
 Q You claim for yourself and these three children, do you.
 A Yes sir.
 Q Was William Z. Wallace the father of these three children?
 A Yes sir.
 Q Are these children living at your home with you? A Yes sir.
 Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
 A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A I don't know.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
 Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw nation for yourself and children to any authority whatever? A Yes sir.
 Q And you never have been enrolled by any authority as a member of that tribe with your children? A No sir.
 Q Do you now claim the right to be identified as Mississippi Choctaws for yourself and children under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article well enough to claim under it not? A Well I guess I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the state shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim

under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
 A My grand mother Freeman.
 Q What was her maiden name? A Freeman; Sarah Freeman.
 Q Did she claim through her father or mother? A Mother.
 Q What was her name? A Alabath or Ailsey. I don't know which.
 Q Alabath or Ailsey - which. A Ball.

- Q You are sure that's the right name? A Yes I know it is.
- Q Did this Alabeath or Ailsey Freeman have a husband by the name of Aaron? A Yes, sir.
- Q Was Aaron Freeman a white man? A Yes I reckon he was.
- Q Did Alabeath Freeman have any Choctaw blood? A Yes sir.
- Q How much; do you know? A I dont know; I've heard father say but I cant think now.
- Q Did she live in Mississippi in 1830 and have a family of children there at that time or have a family there at that time seventy three years ago.
- A I dont know whether she did or not? A She lived there, but I dont know.
- Q Did she ever live in Mississippi or Alabama? A Yessir my grandfather's been in Alabama and North Carolina too.
- Q In what state did she live? A I dont know.
- Q Do you know whether she lived in Mississippi or Alabama?
- Q No I dont know whether she did or not.
- Q You claim through your father? A Yes sir I claim through my father.
- Q William H. Wood? A Yes sir.
- Q And he claimed through which parent - father or mother?
- A Mother.
- Q And what was her name? A Sarah Freeman.
- Q Was that her maiden name? A Yes sir.
- Q She married a Wood? A Yes sir.
- Q She claimed through which parent - father or mother? A Mother.
- Q What was her name? A Alabeath or Ailsey Freeman.
- Q What was her husband's name? A Aaron.
- Q Did she or any Choctaw ancestor of yours go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and ask him that they wanted to stay in Mississippi take land and become citizens of the states? A I dont know that they did; I've heard that they went.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation in Mississippi or Alabama five years and then get a patent from the government under article fourteen of the treaty of 1830? A I dont know.
- Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw nation Indian territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a home in the Choctaw Nation Indian Territory; did you ever hear they did? A Yes I've heard that.
- Q That they went from Mississippi or Alabama to this Choctaw Nation Indian territory. A I dont know which way they come.
- Q They would have to come from Mississippi which was east of the Mississippi river to the Choctaw Nation which was west.
- A Yes I've heard they went.
- Q I dont mean did you ever hear they went into Mississippi or Alabama in the old Choctaw Nation but did they ever come from Mississippi or Alabama across the Mississippi river and settle in the Choctaw nation Indian Territory? A I dont know about that; if they did I dont know it.
- Q You never heard that any of them came with the other Indians under the treaty between 1831 and 1839 or forty? A No sir.
- Q Did you ever hear whether any of your Choctaw ancestors went before a Commission appointed by act of Congress approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claimed any benefits under article 14 of the treaty of 1830?
- A No sir.
- Q These commissions were appointed by the act of Congress approved March 3 1837 and the act of Congress approved August 23 1842.

Choctaw Indians who stated that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen but that he had refused to allow them to register and because he did refuse to allow them to do this the government had afterwards taken their land from them and sold it.

- Q Did any of your Choctaw ancestors go before either of these two commissions or don't you know? A I don't know.
- Q What do you think about that? A I think they did; I think I've heard it.
- Q I'm not asking about going before Colonel Ward to register in 1831 under article fourteen; I'm asking you about a commission appointed some years after that; two commissions appointed, one in 1837 and the other in 1842. Now do you know anything about any ancestor going before these two commissions or either of them. A No I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No sir I don't.
- Q What relation is John H. Tennight to you? A He's a second cousin of mine.
- Q Who is John F. Turnbull; any relation of yours? A Yes sir
- Q What relation. A He's about a third cousin I guess.
- Q He has made application before the Commission for himself and children to be identified as Mississippi Choctaws? 6599? Do you want that case referred to in this connection? A Yes sir.

Thirty days time is allowed in this case to permit this applicant to make further proof if he desires.

Examination by Mr. Harrison:

- Q You spoke of Alabeath Ball as your grandmother; did you mean to call her your grandmother? A My great grandmother.
- Q How much Choctaw blood do you understand she is said to have had? A She was a half breed or quarter; I don't remember which; I guess she was about a quarter.
- Q Did you ever hear she had any Indian blood? A Yes sir of course I've heard that all my life.
- Q Do you remember to have heard how much she had? A I think she was a quarter Indian.
- Q You claim to be a sixteenth do you not? A Yes sir.
- Q Your father would be an eighth? A Yes sir.
- Q And your father's mother would be a quarter wouldn't she? A Yes sir.
- Q And her mother would be a half wouldn't she? A Yes sir.
- Q And her mother was Alabeath Wasmann? A Yes sir.
- Q Who have you heard among your kin people say anything about your great grandmother having tried to register in Mississippi in 1830 or about that time for the purpose of getting land as a Choctaw Indian? A Well I don't know as I heard anybody say, only my grandfather.
- Q Your grandfather Henry Wood? A Yes, sir.

- Q What have you heard him say about it; what have you ever heard him say about your great grandmother getting land or trying to get land in Mississippi as a Choctaw Indian? A I dont know; I just know that they said they tried; I dont know.
- Q Where did your great grandmother go from to Mississippi?
- A I cant tell you where; she lived in Missouri; I dont know where she was when she went; I guess she went from Missouri.
- Q Did you ever hear your grandfather say anything about your great grandmother living in Mississippi? A I dont know whether I ever have or not.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; medium fair complexion dark brown hair now somewhat gray; no knowledge of the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 18th day of February 1903.

Charles H. Sawyer
Notary public.

M C R 6881
M C R 7045
M C R 6688

Muskogee, Indian Territory, June 3, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th ultimo, enclosing the following:

Certificate of Recorder of Deeds, Douglas County, Missouri, offered in support of the Mississippi Choctaw case of Polly A. Wallace, et al.

Affidavit of Moses Johnson offered in support of the Mississippi Choctaw case of Moses F. Johnson, et al.

Affidavit of James Turnbull offered in support of the Mississippi Choctaw case of Alabeth Johnson.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6688

Muskogee, Indian Territory, June 15, 1904.

Polly Ann Wallace,

Topas Missouri,

Dear Madam:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Susan M. Wallace, Martha M. Wallace, and Ada Christina Wallace.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

Tamie Bixby.

Chairman.

Registered.

M.O.R. 668.

Muskogee, Indian Territory, May 8, 1905.

Polly A. Wallace,

Poplar, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6688

No. 6688

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name Polly A. Wallace

Age 43- Blood '116

Post Office, Topaz, Mo.

Father: William H. Wood, l.

Mother: Susan " - l.

Claims through father - '18

Husband

William Z. Wallace, id

Children:

Susan M. Wallace, 16

Martha M. " 10

Ada C. " 5 ~~5~~

Claim for ref
and 3 minor

Stenographer Clara M. M. M.

REFUSE

FOR IDENTIFICATION AS
A...

Polly A. Wallace et

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT JUN 20 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 25 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REF 1 3 4

5

6255

Choctaw MCR 6689

Martha J. Hafner

MCR 6689

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Martha Jane Hafner for the identification of herself and her six minor children Polly Cordelia, Minnie Alice, Clara L., Bertha May, Ruth Isola and Flossie Ellen as Mississippi Choctaws.

Thomas & Harrison Attorneys for applicant.

Martha Jane Hafner being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha Jane Hafner.
Q What is your age? A Thirty seven; I will be thirty eight the 10th day of April.
Q What is your post office address? A Topas Missouri.
Q How long have you lived there? A I've been there all my life.
Q Were you born in Missouri? A No sir I was born in Nebraska.
Q And went from there when you were young to Missouri?
A Yes sir.
Q Is your father living? A Yes sir?
Q What is your father's name? A William H. Wood.
Q He has been before the Commission has he to be identified?
A Yes sir.
Q What is your mother's name? A Susan Wood.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One sixteenth.
Q You claim your father is one eighth Choctaw? A Yes sir.
Q Has he been recognized or enrolled as a member of the Choctaw tribe of Indians by the United States authorities in the Indian Territory or by the Choctaw tribal authorities?
A Yes sir.
Q I don't mean has he made application to be identified as a Mississippi Choctaw but has he been recognized as an Indian by the authorities here? A Yes sir he has been put on the rolls.
Q He has made application to be identified as a Mississippi Choctaw; if an Indian is on the rolls he doesn't have to come here any more; when he comes here to be identified as a Mississippi Choctaw he just simply indicates his desire to be placed upon the rolls and his name is placed there but that he wishes it may be placed there; now he never has been enrolled by any authority has he but he simply has made application to be identified as a Mississippi Choctaw; is that right? A Yes sir.
Q Did he make application at the time when John N. Bennight appeared before the Commission? A Yes sir.
Q What relation is John N. Bennight to you? A He's a second cousin.
Q Would you like to have his case referred to in your application

A Yes sir.

The case of John H. Bennight et al being relatives of this applicant, M.C.R. 6868 is here referred to for the purpose of consolidation; also the case of John F. Turnbull 6899 is referred to as an applicant claiming through the same common ancestor through whom this claimant makes her application.

Q What relation is John F. Turnbull to you? A Second cousin.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Hafner.
Q What is his race or nationality? A He's a white man.
Q Do you make my claim for him as having Choctaw blood?
A No sir.

Q Now you have how many children under age and unmarried?
A I have six.
Q What is the name of the oldest? A Polly Cordelia.
Q How old is Polly? A She was eighteen the first day of last September.
Q The next? A Minnie Alice Hafner; she was sixteen the 11th day of last October. Clara L. Hafner; she was fourteen the eighteenth day of October.
Q The next? A Bertha May.
Q How old? A She was eleven years old the thirtieth day of last May.
Q What is the name of the next one? A Ruth Isola.
Q How old is Ruth? A Seven years old the tenth day of last August. Flossie Ellen; four years old the third day of last April.
Q You claim for yourself and these six children do you? A Yes sir.
Q Is George Hafner the father of these minor children? A Yes sir.
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes sir.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and your children to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission to identify yourself and these children as Mississippi Choctaws at this time?
A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September of the year 1830; the subject of the treaty was to get the consent of the Choctaw Indians to go to the Choctaw Nation Indian Territory from that old Nation east of the Mississippi river; the great majority of the tribe went under the treaty;

some however refused to go and article fourteen was put into the treaty of 1830 for their protection and benefit; before the treaty was signed; article fourteen is that portion of the treaty of 1830 under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article; do you know? A I don't know whether they did or not.
- Q What is the name of your Choctaw ancestor through whom you claim now? A Sarah Freeman.
- Q What was her mother's name? A Elizabeth Ball or Ailsey.
- Q You don't know which name? A Not for certain; I don't.
- Q You don't mean Alabeath Freeman, do you? A No, I mean Alabeath Ball.
- Q Are you talking about Alabeath Ball when you talk about Ailsey or Elizabeth? A I don't think Elizabeth is in it; my grandmother's name was Sarah Freeman before she married my grand father Henry Wood.
- Q And then your father William H. Wood was their son? A Yes sir.
- Q Now Sarah Wood or Sarah Freeman was the daughter of what parents give their names; give her father's name first? A Aaron Freeman.
- Q What was his wife's name? A Ailsey.
- Q But you said Elizabeth? A I just got kiner bothered; there's no Elizabeth in it; it was Alabeath I guess. There wasn't any Alabeath; I just got kiner tangled up.
- Q You want to give the name of the wife of Aaron as Ailsey? A I'm pretty certain that he told me her name was Ailsey.
- Q Is Polly A. Wallace your sister? A Yes, sir.
- Q See father and mother? A Yes, sir.
- Q Well she gave the name of Aaron Freeman's wife as either Ailsey or Alabeath. A Yes sir.
- Q Now you don't give the name of Alabeath at all. A She wasn't certain which it was.
- Q Give me the name of Aaron Freeman's wife just as you know it. A To the best of my knowledge her name was Ailsey.
- Q And when some of them give the name of Alabeath are they mistaken or are you? A Of course I don't recollect seeing her.
- Q But you have heard about her I suppose? A Yes, sir.
- Q Now then, did Aaron Freeman's wife, whether her name was Alabeath, Ailsey or Elizabeth, whose maiden name was Ball live in Mississippi or Alabama in the year 1830 and have a family

of children there then? A I don't know.

Did you ever hear that she did live in Mississippi or Alabama at any time? A Not that I recollect of; I don't know

Q Can you give the name of any Choctaw ancestor of yours who did live in Mississippi or Alabama in the old Choctaw Nation either in 1830 or at any time? A No, sir, I cant.

Q Can you give the name of any Choctaw ancestor who went to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.

Q Did you ever hear of any Choctaw ancestor of your who lived in the old Choctaw Nation on land five years either in Mississippi or Alabama and then got a patent of that land from the government under article fourteen of the treaty of 1830. A Not that I heard of.

Q Did you ever hear of any Choctaw ancestor of yours who claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi to the Choctaw Nation west of the Mississippi river in the Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A I cant be certain about that.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian territory at any time between 1833 and 1838 with the other Indians at the expense of the government? A Not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I cant tell you.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of the treaty of 1830 as Choctaw Indians?

A I cant tell you.

These commissions were appointed, one in 1837 by act of Congress approved March third of that year and the other Commission was appointed in 1842 by act of Congress approved August 23rd of that year for the purpose of hearing the complaints of the Indians who stated that they had gone to Colonel Ward and had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but that he had refused to allow them to register and because of his refusal the government had taken their land from them in the old Choctaw Nation and had sold it.

Q You never heard any of them went before either of these two commissions? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the government which was issued under act of Congress approved August 23 1842 and entitled authorized the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which had been taken from them by the government and sold in the old Choctaw Nation? A No sir I cant tell you.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed in this case for the introduction of other proof.

Examination by Mr. Harrison:

- Q Have you not heard that the name of your grandmother was Alabeath and not Ailsey? A I cant hardly say but I just had it in my head her name was Ailsey but I might have been mistaken.
- Q Did you ever hear the name of Alabeath mentioned in connection with your great grandmother? A I cant be sure whether I have or not.
- Q Do you say that that was her name or that it was not her name? A Well I don't know; I just had it in my head her name was Ailsey but I might have been mistaken.
- Q It might have been Alabeath might'nt it? A Yes sir it might have been but I cant be right sure.
- Q Did you ever hear, in talking with members of your family, your kin-people that your great grandmother about 1830 or 1831 tried to register in the state of Mississippi for the purpose of getting land in that state as a Choctaw Indian? A I wont be right sure; I cant be certian whether I have or not
- Q Did you ever hear that she and her husband ever lived in Mississippi? A No sir, I neve; if I did I dont recollect it.
- Q Who, amng your people have you heard talk about this? A Well I hav en't heard very much - just father and mother is about all.

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By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; brown eyes; medium dark complexion; she does not understand the Choctaw language.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings on said date.

Clara Mitchell Wood

subscribed and sworn to before me this 19th day of February 1903.

Charles J. Sawyer

Notary Public.

M C R 6637
M C R 6638

Muskogee, Indian Territory, May 8, 1903.

Thomas A Harrison,

Attorneys at Law.

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certificate from the county clerk of Douglas county, Missouri, relative to the destruction by fire of the record of marriages of said county, offered in support of the Mississippi Choctaw case of Martha J. Hafner, et al.

Also certified copy of marriage license and certificate between William J. Howard and Malinda Somers, offered in support of the Mississippi Choctaw case of William J. Howard, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

COPY?

M. C. R. 6689.

Muskogee, Indian Territory, June 15, 1904.

Martha Jane Hafner,
Topaz, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Polly Cordelia Hafner, Minnie Alice Hafner, Clara L. Hafner, Bertha May Hafner, Ruth Izola Hafner and Flossie Ellen Hafner.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tama Bixby.

Chairman

Registered.

M.C.R. 4689.

Muskogee, Indian Territory, May 8, 1905.

Martha J. Hafner,

Topas, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6689

No.

6689

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 9 1903

Date

Name Martha J. Hafner.

Age 37

Blood

1/16

Post Office, Topaz, Mo.

Father: William H. Wood, l.

Mother: Susan " l.

Claims through

Jackson, 1/16,
Husband

George Hafner, l. w.
No claim for husband

Children:

Polly C. 1 Hafner, 18

Minnie A " 16

Clara L. " 14

Bertha M " 11

Ruth I. " 7

Florence E " 4

Claims for self
and 6 children.

Stenographer

Clara Motter Wood.

RECEIVED

M. L. L.

DECISION RENDERED JUN 17 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTE: THIS DECISION MAILED AT NEW YORK
FOR THE RECORD AND CHECKED IN NATIONAL

RECORD FORWARDED DEPARTMENT.
AUG 15 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTED BY
RECORDING CLERK

NOTED BY
RECORDING CLERK

NOTED BY
RECORDING CLERK

102

61-100

Choctaw MCR 6690

Mary J. Bowden

MCR 6690

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of Mary J. Bowden for the identification of herself and her minor child Arthur Allen Bowden as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant.

Mary J. Bowden being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary J. Bowden.
 Q What is your age? A Twenty.
 Q What is your post office address? A Mountain Grove, Missouri.
 Q Have you always lived in Missouri? A Yes sir.
 Q And how long in Mountain Grove? A Two years.
 Q Before that you lived where? A I lived in Douglas County, Texas.
 Q Your father is living? A No sir.
 Q Your mother is living? A Yes sir.
 Q What was your father's name? A William Wallace.
 Q Your mother's name is what? A Polly Ann Wallace. Wood it was.
 Q Do you claim your Choctaw blood through your mother? A Yes sir.
 Q How much do you claim? A One thirty second.
 Q How much is your mother? A One sixteenth.
 Q Do you know whether your mother has been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir..
 Q She made application on this date did she not to be identified as a Mississippi Choctaw? A Yes sir.
 Q Her case is number 6688 M.C.R isn't it? A Yes sir.
 Q Is your husband living? A Yes sir.
 Q I suppose he's a Choctaw Indian? A No sir.
 Q What is he? A Just white is all I know.
 Q What is his name? A Horace H. Bowden.
 Q You don't make any claim for him? A No sir.
 Q You have one child? A Yes sir.
 Q What is that child's name? A Arthur Allen Bowden.
 Q How old is that child? A Ten months old.
 Q Is your husband Horace H. Bowden the father of Arthur A. Bowden? A Yes sir.
 Q And you and your husband are living together as husband and wife and this child living with you at your home? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
 Q Do you come before the Commission at this time to identify yourself and this child as Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen of the treaty of 1830?
 A Well I don't know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi on the 27th day of September of that year and was ratified on the 24th day of February 1831; the object of the treaty made between the United States government and the Choctaw Indians was to get the consent of the Choctaw Indians to go from that old Choctaw Nation which was partly in Mississippi and partly in Alabama to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; that article is the one you are claiming under today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article; do you know? A No sir I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Sarah Freeman.
- Q What relation was Sarah Freeman to you? A My great grandmother.
- Q What was her mother's name? A I don't know.
- Q What was her father's name? A I don't know.
- Q Did you ever hear of a woman named Alabeath Ball? A I don't know.
- Q What relation is Martha Jane Hafner to you? A My aunt.
- Q Your mother's sister? A Yes, sir.
- Q Your mother is Polly Ann Wallace? A Yes sir.
- Q You heard them testify? A Yes sir.
- Q Your mother testifies that her grandmother's name was Alabeath Freeman or Ailsey Freeman nee Ball but your mother's sister Martha J. Hafner was a bit doubtful about the name; she thought it was Ailsey but wasn't sure about Alabeath; now what do you think about it? A I don't really know.
- Q But you can't go back any further than Sarah Freeman who married a man by what name? A Vada.
- Q Sarah Freeman was your great grandmother? A Yes, sir.
- Q Did she ever live in Mississippi or Alabama? A I do not know.
- Q And do you know whether her mother ever did? A No sir.

- Q Can you give the name of any Choctaw ancestor who did live in the old Choctaw Nation in Mississippi or Alabama in 1830 and had a family there then? A No sir.
- Q Do you know whether Sarah Wood or Freeman or any other Choctaw ancestor of yours went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and told him that she or they wanted to stay in Mississippi, take land and become citizens of the states? A No, sir.
- Q Did any of your Choctaw ancestors either Sarah Freeman or any ancestor before her time or since live on land five years which land was leased in the Choctaw Nation and at the end of that time receive a patent from the government for that land under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors claim any land at all in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of them go to the Choctaw Nation Indian Territory from that old Choctaw Nation east of the Mississippi river at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission appointed by act of congress approved March 3, 1837 or a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830.

These commissions were appointed under various acts of Congress to hear the claims of Indians who claimed that they had gone before Colonel Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that Colonel Ward had refused to allow them to register and as a result of his refusal to do this their land had been taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors received any scrip or certificates from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold by the government.

- Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed in this case for the introduction of further proof.

- Q What relation is John H. Bennight to you? A Third cousin I suppose.
- Q He has been before the Commission to be identified as a Mississippi Choctaw and the number of his case is 6265; would you like to have it referred to in this case? A Yes sir.

The case of John H. Bennight is here referred to for the purpose of consolidation.

The case of John F. Turnbull M.C.R. 6599 is also referred to.

Examination by Mr. Harrison:

- Q Did you ever hear the name of Alabeath Freeman before you came into this room today? A Not that I recollect.
- Q If you did you do not remember it? A No sir.

---O---

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; blue eyes; fair complexion; does not understand the Choctaw language.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 19th day of February 1903.

Charles C. Sawyer

Notary Public.

COPY.

M. C. R. 5590.

Muskogee, Indian Territory, June 15, 1904.

Mary J. Bowden,

Mountain Grove, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Arthur Allen Bowden.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~RECEIVED~~

Tams Bixby.

Chairman.

Registered.

M.C.R. 8690.

Muskogee, Indian Territory, May 8, 1905.

Mary J. Bowden,

Mountain Grove, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6690

No. 6690

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9. 1903.

Name Mary J. Bowden.

Age 20 - Blood 1/32

Post Office, ~~Midway~~ Grove, Mo.

Father: Wm Wallace, d

Mother: Polly A. Wallace, l

Claims through mother 1/16

Husband

Horace H. Bowden, l. w

No claim for husband

Children:

Arthur A. Bowden, 10 m

Claims for self
and 1 child

Stenographer Jane Mitchell Wood

REFUSED

Mary J. Snowden

DECISION RENDERED

JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 20 1904

NOTICE OF DECISION

FORWARDED

JUN 20 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

JUN 15 1904

RECORD FORWARDED DEPARTMENT

AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 1 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION
MAILED APPLICANT

6255

6255

Choctaw MCR 6691

William C. Wallace

MCR 6691

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 9, 1903.

In the matter of the application of William C. Wallace for
identification as a Mississippi Choctaw.

Thomas & Harrison Attorneys for applicant.

William C. Wallace being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A William C. Wallace.
Q What is your age? A Twenty three.
Q What is your post office address? A Topas, Douglas County,
Missouri.
Q Have you always lived in Missouri? A Yes sir.
Q How long in Topas, all your life? A Yes sir.
Q What is your father's name? A William Z. Wallace
Q Is he living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your mother's name? A Pelly Ann.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One thirty second.
Q How much Choctaw blood did your mother have? A One sixteenth.
Q Has she ever been recognized or enrolled as a member of the
Choctaw tribe of Indians by the Choctaw tribal authorities
or by the United States authorities in the Indian territory?
A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian
Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation either to the Choctaw tribal authorities in the Indian
Territory or to the Dawes Commission under act of Congress
of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities the Commission
to the Five Civilized Tribes or the United States Court in
the Indian Territory? A No sir.
Q Do you now come before this Commission to identify yourself
as a Mississippi Choctaw claiming under article fourteen of
the treaty of 1830? A Yes sir.
Q Do you understand that article? A I don't believe I do.

The treaty of 1830 was a treaty made between the United
States government and the Choctaw Indians at a place in
Mississippi called Dancing Rabbit Creek on the 27th day of
September of that year 1830 and the object of the treaty was
to remove the Choctaw Indians from the old Choctaw Nation
east of the Mississippi river to the Choctaw Nation Indian
Territory; before the treaty was signed it became known
that a good many Choctaw Indians would not go to the Choctaw
Nation Indian Territory with the other Indians under the

treaty, preferring to remain in the old Choctaw Nation east of the Mississippi river and provision had to be made in the treaty for those Indians who preferred to stay back in the old Choctaw nation and article fourteen was drafted and put into the treaty of 1830; this article contained provisions for their special benefit and after it was incorporated in the treaty of 1830 the treaty was signed and later on the 24th day of February 1831 was ratified; this article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case agent in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't believe I understand the question.
- Q Do you know what I mean by ancestor? A Aunt's sister?
- Q It's a different word -- a-n-, an, o-o-s, oes, t-o-r, tor, ancestor; it means your mother or father or any of your grandparents as far back as you can go; it means a relative of yours through whom you are descended in a direct line of descent; now I want you to give me the name of your relative or kin folks from whom you are descended in a direct line; now who is the name of your relative going back as far as you can who lived in Mississippi or Alabama in the old Choctaw Nation if you know of any; now you have sat here this afternoon and heard your relatives testify haven't you, you have heard them all tell about their ancestors? A Yes sir.
- Q You heard Pelly A. Wallace; that's your mother and you have heard Martha J. Hafner and you have heard William J. Howard; what relation is he to you? Third cousin I think.
- Q And James H. Howard? A Yes sir.
- Q And you heard your sister Mary J. Bowden? A No sir I never heard neither one of them; I partly heard the last one.
- Q They have all been telling about their ancestors; now can you tell something about them; if you cant, say so. A No sir I believe not.
- Q You claim through your mother dont you, Pelly Ann Wallace. A Yes sir.
- Q Do you know whether she claimed her Choctaw blood through her father or mother? A Her father.
- Q What was his name? A William Wood.
- Q Now William Wood claimed through whom - his father or mother.

- Q What was her name? A Sarah Wood after she married.
Q What was her name before she married? A Sarah Freeman.
Q Can't you tell what her father's name was and what her mother's name was; did you ever hear of Aaron Freeman.
A Yes sir I believe it was Aaron Freeman.
Q What was Aaron Freeman's wife's name? A Elizabeth Ball I believe.
Q Elizabeth Ball or Alabeath? A Alabeath I think.
Q That is the ancestor through whom you claim is it? A Yes sir.
Q She married a man named Freeman; Aaron Freeman? A Yes sir.
Q What relation was she to you - Aaron Freeman's wife?
A My great great grandmother.
Q How much Choctaw blood did she have? Full blood or half or one quarter; do you know? A No I dont.
Q Was Aaron Freeman a white man? A Yes sir.
Q Do you know whether she Alabeath Freeman or Alabeath Ball lived in Mississippi in 1830 and had a family there at that time. A No sir.
Q Did she or any Choctaw ancestor of yours go to Colonel Ward the agent for the United States government within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen? A Not that I know of.
Q Did she or any Choctaw ancestor of yours live on land in the old Choctaw Nation five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A Not as I know of.
Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A I reckon not.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today;
A I dont know.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I reckon not.
Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I dont know.

These commissions were appointed by various acts of Congress to adjudicate the claims of Choctaw Indians who asserted that they had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to accept their names for registration or allow them to register and because of his conduct in refusing them the right to register under article fourteen of the treaty these Indians had their land taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not as I know of.

This scrip was issued under act of Congress approved August 23 1842 and was give to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales

Thirty days time is allowed this applicant in which to introduce other evidence in support of this claim.

- Q Are you related to John H. Bennight? A Yes sir.
Q What relation? A Third cousin.
Q He has made application to be identified as a Mississippi Choctaw; would you like to have his case and yours considered together? A Yes sir.

The case of John H. Bennight M.C.R. 6258 is here referred to for the purpose of consolidation; also reference is made to M.C.R. 6599 being the application of John H. Bennight et al for identification as Mississippi Choctaws of himself and children as an applicant claiming through the same common ancestor as this applicant.

Examination by Mr. Harrison.

- Q You stated that you did not think that any one of your ancestors ever attempted to comply with article fourteen of the treaty of 1830; did you understand the question when you made that statement? A I don't really know what he said now.
Q Did you understand the question when you answered it that way; when you stated that you did not think any one of your ancestors had attempted to comply with the fourteenth article of the treaty of 1830 did you understand the question when you made that answer? A No I didn't.
Q What information if any have you that Alabeath Freeman ever tried to get any land in Mississippi or Alabama about 1830 or 1831 as a Choctaw Indian; did you ever hear anything about that? A Well I heard some thing but I don't know.
Q Tell us what you heard. A I don't know as I remember what I heard said.
Q What impression did it make upon your mind if you can recollect just exactly the language that was used, what information did you get from it. A Well it kinder drawed an idea from me that something occurred that they didn't get the land.
Q Now who went; Alabeath Freeman? A No Alabeath Ball.
Q Wasn't Alabeath Freeman and Alabeath Ball the same person; that was her name before she married Aaron Freeman.
A Yes that's right
Q Where did she go? A I don't know.
Q Where did she go from if you remember? A I don't remember.
Q When was this if you remember to have heard. A I don't know; it's been some time ago.
Q Of course I don't expect you to know anything personally about it because you are too young; I thought probably you might have heard something about it; where did you get this information; from other members of your family? A Uncle Henry Wood.
Q All you know about it is what you have heard talked about by the kin folks and different members of the family?
A Yes, sir.

---O---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; fair complexion; brown hair.

- Q You don't understand the Choctaw language? A No sir.

William C. Wallace 5

Does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 19th day of February 1903.

Charles H. Sawyer

Notary Public.

COPY.

M. C. R. 6691.

Muskogee, Indian Territory, June 15, 1904.

William C. Wallace,
Tapan, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

M.C.R. 6691.

Muskogee, Indian Territory, May 8, 1905.

William C. Wallace,
Topaz, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1906, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6691

No.

6691

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 9 1903

Name William C. Wallace,

Age 23 - Blood $\frac{1}{32}$

Post Office, Topaz, - Mo. -

Father: Wm Z. Wallace, d

Mother: Polly A. Wallace, l

Claims through mother, 7/16

Children:

Claims for
self alone

Stenographer

Chas. M. M. M. M. M.

44-111
DECISION NUMBER JUN 15 1954

NOTICE OF DECISION FOR AND BY
APPLICANT

JUN 15 1954
RECORDS FORWARDED DEPARTMENT.

ACTION A
SECRET

Choctaw MCR 6692

Robert Conn

MCR 6692

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 10, 1903.

8692

In the matter of the application of Robert Gonn for the identification of himself and his two minor children, Bessie and Sam Gonn, as Mississippi Choctaws.

(J.O. Pool, attorney for applicant; no appearance.)

Robert Gonn, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert Gonn.
Q What is your age? A I am thirty eight years old.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived at Ferris? A Twenty seven years.
Q Where did you live before you lived there? A Mississippi.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A The Western part of Mississippi, in Alcorn County.
Q And you lived in Mississippi how long? A I don't remember, about seven or eight years.
Q And from there you went where? A Texas.
Q And you have lived in Texas ever since? A Yes sir.
Q Is your father living? A No sir, my father's dead.
Q Your mother is living? A Yes sir.
Q What was your father's name? A Sam Gonn.
Q Your mother's name is-- A Emeline Gonn.
Q How old is your mother now? A About 55 years old.
Q She has been before this Commission as a witness has she not?
A Yes sir.
Q But she never has made application for herself? A No, I think not.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q Do you claim that your mother is a half Choctaw? A Yes sir.
Q Do you and aim entirely through your mother? A Yes sir.
Q Is Choctaw blood whatever from your father? A No sir, my father was a full blood Irishman.
Q Your mother's blood is what portion Choctaw? A Well, my grandfather was half Choctaw and my grandmother was half Choctaw.
Q Has your mother ever been recognized or enrolled as a member of

the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Has your mother ever lived in the Indian Territory? A No sir.

Q Is your wife living? A Yes sir.

Q What is her blood or nationality? A I can't tell you; I forget; she's white.

Q You don't claim any Choctaw blood for her? A No sir.

Q What is her name? A Docia.

Q Give me the names of your children beginning with the oldest under age and unmarried? A My oldest child is named Bessie; she's four years old the 13th day of next May; my youngest child is named Sam.

Q How old is Sam? A She will be two years old the 3rd day of May; Sam is a girl.

Q Is Docia Conn the mother of these two children? A Yes sir.

Q Are you and your wife living together as husband and wife and are these children living with you at your home? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir. I have never been enrolled.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this your first application for membership in the Choctaw Nation made before any authority? A Yes sir.

Q Do you come before the Commission now to identify yourself and your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article and its provisions? A No I don't.

Q And you would like to have it explained, would you? A Yes sir.

Q Do you know what a treaty is? A No sir.

Q Do you know what an agreement in writing is between two or more persons? A Yes sir.

Q A treaty is an agreement or compact made between nations and an article in a treaty is one of its paragraphs or subdivisions; A treaty was made between the United States Government and the Choctaw tribe of Indians on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi; this treaty was made for the purpose of obtaining the consent of the Choctaw Indians as a Nation to remove from the old Choctaw Nation to the Choctaw Nation, Indian Territory- that old Choctaw Nation East of the Mississippi River was partly in Mississippi and partly in Alabama; it was understood and known that those Indians could not be moved without their consent and that consent was obtained by this treaty which they signed. But all the Choctaw Indians did not consent to go to the Choctaw Nation, Indian Territory- some of them preferred to stay back in the old Choctaw Nation and refused to go under that treaty. In order to protect the interests of those Indians who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article is the one under which you are making your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now, do you? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir.
- Q Give me the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw going back as far, to the year 1830 if you can. A Through my grandfather and grandmother- Jim and Sally Brookshier.
- Q How was Sally related to Jim? A She was a wife of Jim.
- Q How much Choctaw blood did Jim Brookshier have? A Half.
- Q What was Sally Brookshier's maiden name, do you know? A Graves.
- Q Sally Graves married Jim Brookshier? A Yes sir.
- Q And you say Jim was a half Choctaw? A Yes sir. And Sally was half too.
- Q What relation was Jim to you? A Grandfather.
- Q And Sally was your grandmother? A Yes sir.
- Q Now this is your mother's father and mother? A Yes sir.
- Q Your mother, Emeline Conn, then was before her marriage Emeline Brookshier? A Yes sir.
- Q When she married--- A A Berry and then Conn.
- Q How old would Jim Brookshier be if living today? A I don't know.
- Q Did Jim Brookshier and his wife, Sally, live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family there then? A In Alabama, yes.
- Q Did they live in Alabama 73 years ago? A I don't know.
- Q That was when the treaty of 1830 was made? A Yes sir.
- Q Do you know whether they lived in Alabama when that treaty was made and whether within six months after its ratification they went to Col. Ward, the agent and told him that they wanted to stay there, take lands in that State and become citizens of the States? A No sir, I don't know.
- Q Did Jim Brookshier have a Choctaw Indian name? A I don't know.
- Q Did his wife, Sally? A I don't know.
- Q Where and when was Jim Brookshier born? A I can't tell you.
- Q When and where was Sally, his wife, born? A I can't tell you that.
- Q Did she get her Choctaw blood through her father or mother? A I can't tell you.

Q Did Jim Brookshier through his father or mother? A Through his father.

Q What was his father's name? A I can't tell you.

Q You are not able to go back any farther than Jim Brookshier or his wife? A That's all.

Q You were not personally acquainted with them, were you? A No sir.

Q Did Jim Brookshier or his wife, Sally, or any Choctaw ancestor of yours go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory, under article fourteen?

A Well, I can't tell you.

Q Did either of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 at the expense of the Government? A I can't tell you.

Q Did Jim Brookshier or his wife, Sally, or any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time receive a patent for the land from the Government? A I can't tell you.

Q Did either of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can't tell you.

Q Did either of these Choctaw ancestors of yours or any other having Choctaw blood own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 a Commission was appointed by an act of Congress approved March 3, that year, and also in 1842 another Commission was appointed under an act approved August 23, that year, these two Commissions were appointed by these various acts of Congress to go to the State of Mississippi and hear claimants under article fourteen of the treaty of 1830. Those Choctaw Indians who stayed back in the old Choctaw Nation claimed that they had gone to Col. Ward within six months after the ratification of the treaty of 1830 and had attempted registering under article fourteen of that treaty but that Col. Ward had refused to allow them to register and because he refused to do this the Government had taken their land from them which they held in the old Choctaw Nation and had sold that land with improvements upon it; in order to have their rights allowed these Commissions were appointed by Congress.

Q Do you know if any of your Choctaw ancestors went before any of these Commissions and claimed any rights under article fourteen of the treaty of 1830? A No sir, I don't.

Q Did any of your Choctaw ancestors, Jim Brookshier, or his wife, Sally, or any others, receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

This scrip was issued by an act of Congress approved August 23, 1842, to Indians who claimed their rights under article fourteen of the treaty of 1830 and also claimed that their lands in the old Choctaw Nation had been taken from them by the Government and sold at its Public Land Sales.

ROBERT CONN-----5

- Q Do you speak or understand the Choctaw language? A No sir.
Q Have you anything more you want to say now in support of this claim? A No sir.
Q What relation is Sarah E. Babb to you? A Half sister.
Q Have you the same mother, Emeline Conn? A Yes sir.
Q Her father's name was-- A Berry; and mine was Conn.
Q What was your mother's first husband? A Yes sir.
Q Conn was the second? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw before this Commission? A Yes sir.
Q Do you want to have your case consolidated with hers? A Yes sir.

The case of Sarah E. Babb-- 5356-- is referred to for the purpose of consolidation.

- Q And you have no other evidence you want to present, Mr. Conn?
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, hair was brown, now somewhat gray; complexion ruddy. He does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 10, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12th day of February, 1903.

Charles H. Sawyer

Notary Public.

M C A 6692

COPY

Muskogee, Indian Territory, April 5, 1904.

Robert Conn,
Ferris, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including yourself and children Bessie Conn and Sam Conn.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

T. E. McCallie.
Commissioner in Charge.

M.C.R. 6692

Muskogee, Indian Territory, September 26, 1904.

COP

Robert Conn,

Ferris, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Bessie Conn and Sam Conn, included in the consolidated case of Sarah B. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Tama Kirby
Chairman.

MOR-6692

Muskogee, Indian Territory, October 20, 1906.

Robert Conn,
Ferris, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

6692

No.

6692

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 10 1903

Name Robert Conn

Age 38 - Blood 1/4

Post Office, Ferris, Texas,

Father: Sam Conn. d.

Mother: Emeline .. l.

Claims through mother - 1/2

wife,

Looia Conn. l. w.

No claim for wife,

Children:

Besie Conn F 3-

Sam "(F) 1-

Claims for self
and 2 minor

Stenographer

N. S. Hains

FOR IDENTIFICATION AND
A MISSISSIPPI DOCUMENT

Robert Brown et al
REFUSED.

NOTICE OF DECISION FORWARDED
APPLICANT AUG 12 1904

SECRETARY OF INTERIOR
AUG 12 1904

NOTICE OF DECISION FORWARDED
APPLICANT SEP 10 1904

NOTICE OF DECISION FORWARDED
FORWARD FOR

REFER TO M. O. R.

Choctaw MCR 6693

Rolins J. Freeman

MCR 6693

#6693.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
February 10, 1903.

In the matter of the application of Rolins J. Freeman for
the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Rolins J. Freeman being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Rolins J. Freeman.
Q What is your age? A 53 next July.
Q 51 now? A Yes sir, 51 last July.
Q What is your post office address? A Strangers Home, Lawrence
County, Arkansas.
Q How long have you lived in Strangers Home? A 14 year.
Q Where did you live before that? A In South Missouri, Douglas
County.
Q Have you always lived in Missouri? A Until 14 year ago.
Q Where were you born? A In Missouri.
Q You have always lived in Missouri have you? A Up until the last
14 year.
Q And you have lived in Arkansas since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A William Jackson Freeman.
Q What is your mother's name? A Rachel Jane Freeman.
Q Do you claim your Choctaw blood through your father or mother?
A My mother,-- no, my grandmother.
Q Your father or mother, which? A My father of course.
Q How much Choctaw blood did you claim? A I suppose about an
eighth from what I have always heard and been taught.
Q You claim your father was one quarter Choctaw blood? A Yes
sir.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indian by the Choctaw tribal authorities
or the United States authorities in the Indian Territory? A
No sir, not that I know of in no shape.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q What is her name? A Margaret Ann Freeman.
Q Is she a white woman or Choctaw Indian? A White woman.
Q You don't make any claim for her? A None whatever.
Q Have you any children under 21 years of age and unmarried that
you want to make application for? A I have one unmarried, but
nary one under 21.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw

Rolins J Freeman-----2

Nation to the Choctaw tribal authorities in the Indian Territory? A Never have in no shape.

Q Have you ever made any such application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, have not at all in no shape.

Q Have you been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.

Q Is it your purpose to make application now for identification as a Mississippi Choctaw? A Yes sir.

Q You claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of the treaty of 1830? A No sir, I reckon not; I heard talk that they was going to, but they never did I dont suppose.

Q What is the name of your Choctaw ancestor through whom you claim the right now to be identified as a Mississippi Choctaw? A My grandmother was a Ball.

Q What was her full name? A Alabeth Ball.

Q Was that her maiden name? A Thats what I have always been taught.

Q What was the name of her husband? A Aaron Freeman.

Q She married Aaron Freeman? A Yes sir.

Q What relation was Alabeth Freeman nee Ball to you? A My grandmother.

Q She was your father's mother? A Yes sir.

Q How much Choctaw blood did she have? A Claimed one half.

Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A Not since I know anything about it.

Q Did you ever hear anything about that? A I have heard talk about t hat.

Q What have you heard? A I have heard them say she was a Mississippi Choctaw.

Q What about her living in Mississippi in 1830? A I heard she was raised in Mississippi, but she never lived in Mississippi since I can remember.

Q Did you ever see her? A Yes sir.

- Q What kind of a looking woman was she? A A low, heavy-set, dark skinned woman.
- Q Did she speak the Choctaw language? A I dont know anything about that; I was just a small boy when she died; she died in '60.
- Q How old was she when she died? A I dont recollect,
- Q Was she an old woman or a middle aged woman? A An old looking woman.
- Q Was she over 60 do you think? A I think about 80.
- Q In 1860 you think she was about 80? A Yes sir.
- Q Did you ever hear that she lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there at that time? A Yes sir.
- Q You have heard that? A Yes sir, I have heard that.
- Q Did she or did anyone for her go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and register or attempt to register under article 14 of that treaty? A I couldn't tell nothing about that.
- Q Did you ever hear of Colonel Ward, the Indian Agent? A Yes sir.
- Q Did you ever hear that any of your Choctaw ancestors registered or tried to register before him? A No, I never heard of them being registered there; I heard one man— of course I aint old enough to know what connection he was to my grandmother, but his name was Ball— I heard him say that it all ought to be worked up; that they had a right, and that they could get it because they had been refused.
- Q Did any of your Choctaw ancestors, Alabath Freeman or any other, live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified, and then get a patent from the government for that land under article 14 of the treaty of 1830? A Not that I know about.
- Q Did she or any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No, I dont know anything about that; all I have heard would be short that was any importance; I have heard my grandmother telling us children when we were little that she was a Choctaw Indian, and that was about all.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, for the purpose of acquiring a home in the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Well, I have heard that my grandfather and grandmother went and was refused, but I couldn't say.
- Q I dont think you understand the question; now follow it closely: I didn't ask you if they went to the old Choctaw Nation either in Mississippi or Alabama to register under article 14; I asked you if they went from that old nation, which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory? A O, No.
- Q Crossing the Mississippi river did any of them come between the ratification of the treaty of 1830 and the date of this application made by you today? A No, I dont reckon there was any.
- Q Now, you stated a moment ago that they went to the old Choctaw Nation to register? A Yes sir.
- Q Were they living out of the old Choctaw Nation at that time? A Yes sir.

Rolins J Freeman-----4.

- Q Where were they living? A In North Carolina.
- Q Was Alabeth Freeman born in North Carolina? A No, I reckon she must have been born in Mississippi by what she called herself; she called herself a Mississippi Choctaw.
- Q You dont know that? A No sir, I dont know only what I have heard her say; I have heard her say that she was a Mississippi Choctaw.
- Q Was she living out of the state of Mississippi at the time of the ratification of the treaty of 1830? A I dont know, I think she did though.
- Q Where do you think she was living? A I think she must have been living in North Carolina at that time.
- Q You say you think she must have been; that is rather indefinite; do you know whether she was or not? A No, I do not.
- Q Did you ever hear in the family that she was living there then, in North Carolina? A Well, yes sir.
- Q It is a matter of family history and tradition? A Nothing only my father's word.
- Q You have heard it from your father then? A Yes sir.
- Q After going to Colonel Ward, as you say she did, and after trying to register where did she go? A Well, I couldn't say; I reckon they went back to North Carolina.
- Q But do you know? A No.
- Q What makes you say you reckon she went back there? A Well, they lived there until they moved to Missouri.
- Q They went from North Carolina to Missouri? A Yes sir, from North Carolina to Missouri.
- Q And you have no knowledge as to when she lived in Mississippi if at all? A No.
- Q Do you know whether Alabeth Freeman or any other Choctaw ancestor of yours owned any improvements on land in the old Choctaw Nation either in Mississippi or Alabama in 1830? A No I dont know.

In 1837 under an act of Congress approved March 3rd of that year, and also in 1842, by virtue of an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaint of a good many Choctaw Indians who stayed in that old Choctaw Nation and claimed that they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830 within the time limited in that article, but that Colonel Ward refused to allow them to register and because of his refusal these Indians had their land taken from them in the old Choctaw Nation by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors, Alabeth Freeman or any other, went before either of these two commissions and claimed any benefits under article 14 of that treaty or not? A No, I dont know anything about that.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which scrip or certificates as we might call them, were issued under an act of Congress approved August 23, 1842, and were issued to Choctaw Indian who proved their rights under article 14, and also proved that their land in the old Choctaw Nation had been taken from them and sold? A No, I never heard.

Rollins J. Freeman - -5.

- Q Do you speak or understand the Choctaw language? A No sir, not at all.
- Q What relation if any or you to John H. Bennight or Bennett? A Own cousin.
- Q He has made application to be identified as a Mississippi Choctaw; would you like to have your case considered in connection with his? A Yes sir.

The case of John H. Bennight, et al., M. C. R. 6255, is here referred to for the purpose of consolidation. Also the case of John F. Turnbull, M. C. R. 6599, is referred to in this connection as an applicant having the same common ancestor through whom this applicant makes his claim.

By Mr. Harrison, attorney for applicant: We want 30 days time.

By the Commission: 30 days time is allowed this applicant from the date hereof within which to introduce other evidence in support of this claim.

By Mr. Harrison:

- Q What have you ever heard about your grandmother, Alabeth Freeman, trying to register in Mississippi in 1830 or 1831 for the purpose of getting land there as a Choctaw Indian? A Well, I don't know as I can tell anything only I did hear one man say that they did try to claim and couldn't.
- Q Who do you mean by that? A The Ball family.
- Q Which one of the Ball family? A I don't know.
- Q Did you ever hear that your grandmother, Alabeth, tried to register? A Yes sir, I heard that man say they all tried to claim; I don't know that he said register, and they were debarred or something; it was too late or something.
- Q Where did you hear that was? A In Mississippi.
- Q Do you know when it was? A No.
- Q Why were they refused did you hear? A Well, he just said they wouldn't grant it to them, and I never heard why, nothing about it.
- Q Did you ever hear your grandmother say anything about it? A No, I never did; I just heard her deviling the little children and telling them she was a Choctaw Indian and would take them off or something like that.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; his eyes are dark brown, and complexion dark; his hair is dark brown, somewhat gray; whiskers are gray; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on February 10, 1903, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 18 day of February, 1903.

Charles E. Sawyer
Notary Public.

Muskogee, Indian Territory, March 19, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing joint affidavit of Alfred Coble and John Coble relative to the marriage of Rollins J. Freeman and Margaret Ann Coble, offered for filing in support of the application of Rollins J. Freeman for identification as a Mississippi Choctaw. The same has been filed with the record in this case.

Respectfully,

Chairman.

COPY.

M. C. R. 6693.

Muskogee, Indian Territory, June 15, 1904.

Rehins J. Freeman,

Strangers Home, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Jams Bixby.

Chairman.

Registered.

M.O.R. 6693.

Muskogee, Indian Territory, May 8, 1905.

Rollins J. Freeman,

Strangers Home, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6693

No. 6693

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 10 1903

Name *Rollins J. Freeman*Age *51 -* Blood *"8*Post Office, *Stranger's Home, Ark.*Father; *W. J. Freeman, d*Mother; *Rachel J. " d.*Claims through *mat' father, "4*
*wife,**Margaret Ann Freeman, l. w*
No claim for wife

Children:

Claim for self ~~and~~
alone

Stenographer

W. H. Martin

Colins L. Freeman

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
FORWARDING ATTORNEYS
FOR CHOCTAW AND CHICKALAW NATIONS

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKALAW NATIONS
JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 1 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AP

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 1904

NOTICE OF DEPARTMENTAL
ACTION FORWARDED ATTORNEYS

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS

6255

Choctaw MCR 6694

James M. Freeman

MCR 6694

#6694

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 10, 1903.

In the matter of the application of James M. Freeman for
the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

James M. Freeman being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James M. Freeman.
Q What is your age? A 36.
Q What is your post office address? A Strangers Home, Lawrence
County, Arkansas.
Q How long have you lived in Strangers Home? A About 14 years,
Q Before you lived there where did you live? A Missouri.
Q Where were you born? A Missouri.
Q Where in Missouri did you live most of the time? A Douglas
County.
Q Is your father living? A Yes sir.
Q Your mother also? A Yes sir.
Q What is your father's name? A Rolins J. Freeman.
Q Your father has made application before the Commission today to
be identified as a Mississippi Choctaw? A I think so.
Q Dont you know he has? A Yes sir.
Q What is your mother's name? A Margaret Ann Freeman.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One sixteenth I think.
Q How much do you claim your father had? A One eighth.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in the Indian Territory? A No sir, I dont think
he has.
Q This application made by him today as a Mississippi Choctaw is
the only one he has made is it not? A As far as I know.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir, self alone.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Terri-
tory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under
the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Na-
tion by either the Choctaw tribal authorities, the Commission
to the Five Civilized Tribes, or the United States Court in the
Indian Territory? A No sir.
Q Do you want to be identified now as a Mississippi Choctaw? A
Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

The article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of the treaty of 1830? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Ball.
- Q What Ball was that, what was her Christian name? A Her first name?
- Q Yes? A Her first name was Ball I reckon.
- Q No, Ball was her surname as I understand it? A I forget now what they called her.
- Q What was her married name? A Freeman.
- Q She married a man named what? A Aaron Freeman.
- Q And before she married her name was Ball? A Yes sir.
- Q Did you ever hear of a woman named Alabeth Ball? A Yes sir.
- Q Who was she? A I think thats the one.
- Q You are quite sure that is the one that youare trying to recall? A Yes sir.
- Q What relation was Alabeth Freeman to you? A She was my great grandmother.
- Q You claim through your father, and your father claimed through his father? A Yes sir.
- Q What was his father's name? A William Jackson Freeman.
- Q And what was his father's name? A Aaron Freeman.
- Q What was his mother's name? A Alabeth Ball.
- Q Alabeth Freeman? A Alabeth Freeman.
- Q Whose maiden name was Alabeth Ball? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there at that time? A I couldn't say; I dont know whether she did or not.
- Q Did she ever live in the old Choctaw Nation either in Mississippi or Alabama? A I dont know.
- Q Can you give the name of any Choctaw ancestor whom you know did live in the old Choctaw Nation at any time? A No sir.
- Q Where did Alabeth Freeman live if you know at any time? A In Missouri.
- Q Do you know if she died in Missouri? A I think she did.
- Q How long did she live in that state? A I dont know.
- Q When did she go to Missouri? A I dont know that.
- Q Where did she go from to Missouri? A North Carolina.

James M Freeman-----3

- Q Then she used to live in North Carolina? A Yes sir.
Q Do you know when she lived in North Carolina? A No sir.
Q Was she born in North Carolina? A I dont know.
Q Did you ever hear where she was born? A No, never did.
Q Did you ever hear when she was born? A No sir.
Q Did you ever hear when she died? A No sir.
Q How old would she be if living now? A I dont know.
Q Did you ever hear that she went to Mississippi at any time?
A No sir.
Q Did you ever hear that she went to Colonel Ward, the United States Indian Agent, at his office or agency in Mississippi and tried to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty? A No sir.
Q How do you know that you are a Mississippi Choctaw by descent then? A Well, just what they claims.
Q All you know about it is what your father has testified to and what he has told you? A Yes sir.
Q You, yourself, recollect very little about your Choctaw ancestry? A Not much.
Q Do you want to have your testimony considered with the testimony of your father? A Yes sir.

The case of Rolins J. Freeman, M O R 6693, is referred to.

- Q Are you related to John H. Bennight or Bennett? A Yes sir.
Q What relation are you to him? A Third cousin.
Q Would you like to have his case considered with yours? A Yes sir.

The case of John H. Bennight, et al., M. O. R. 6255, is here referred to for the purpose of consolidation.

- Q Also John F. Turnbull is a relative of yours? A Yes sir.
Q You claim through the same common ancestor through whom he makes his claim? A Yes sir.
Q What relation to you? A Third cousin.

The case of John F. Turnbull, M O R 6599, is referred to in this connection.

- Q Did you ever hear that any Choctaw ancestors of yours lived on land in that old Choctaw Nation either in Mississippi or Alabama for five years or more after the treaty of 1830 was ratified and at the end of five years received a patent from the government for that land under article 14 of the treaty of 1830? A No sir.
Q Did you ever hear that any of your Choctaw ancestors claimed any land in the old Choctaw Nation under article 14 of the treaty of 1830? A No sir.
Q Did any Choctaw ancestors of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of

James M Freeman-----4

1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A I dont know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know, I couldn't say.

Q Did any Choctaw ancestor of your, Alabeth Freeman, or any other, go before a commission which was appointed by an act of Congress approved March 3rd, 1837, or before a commission appointed by an act of Congress approved August 23rd, 1842, and claim any rights under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed under these various acts of congress to hear the complaints of Choctaw Indians who stated that they had endeavored to register under article 14 of the treaty of 1830, but that Colonel Ward, United States Indian Agent, had refused to allow them to register, and because of his refusal the land which they had occupied in the old Choctaw Nation was taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors, Alabeth Ball or Freeman or any other receive any scrip from the government or certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you speak the Choctaw language or understand it? A No sir.

30 days time is allowed this applicant for the purpose of introducing other proof, if he desires, in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; brown eyes; ruddy complexion, medium dark. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 10th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 18 day of February, 1903.

Charles H Sawyer

Notary Public.

COPY.

M. C. R. 6694.

Muskogee, Indian Territory, June 15, 1904.

James M. Freeman,

Strangers Home, Arkansas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John M. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

M.C.R. 6694.

Muskogee, Indian Territory, May 8, 1905.

James M. Freeman,

Strangers Home, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6694

No. 6694

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 10 1903

Name James M. Freeman

Age 26 - Blood 1/16

Post Office, Stranger's Home, Ark,

Father: Rolins J. Freeman, l

Mother: Margaret Ann .. l.

Claims through father - 1/8 -

Children:

Claims for self
alone

Stenographer H. H. Martin

FOR IDENTIFICATION AS

A. V. S. S. S. S.

R. 66

REFUSED
NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

James M. Sherman
DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

X

6255

Choctaw MCR 6695

Mary T. Cole

MCR 6695

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Mary T. Cole, et al.,
for identification as Mississippi Choctaws, M.C.R. 6695.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mary T. Cole, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of Mary T. Cole, et al., for identification as Mis- sissippi Choctaws-----	7

---0---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 12, 1903.

6695

In the matter of the application of Mary T. Cole for the identification of herself and her five minor children, Daisy T., Arthur, Tessie, Mamie and Paul Cole, as Mississippi Choctaws.

Applicant not represented by attorney.

Mary T. Cole, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary T. Cole.
Q What is your age? A Forty two.
Q What is your post office address? A Baxter Springs, Kansas.
Q What is your place of residence? A Yes sir.
Q And will be for some time as far as you know? A Yes sir.
Q Where did you live before that? A Lexington, Kentucky.
Q How long did you live in- have you lived in Baxter Springs, Kansas? A It will be 25 years in May.
Q Were you born in Lexington, Kentucky? A Yes sir.
Q Were you a slave at any time? A No sir.
Q Was your father? A No sir.
Q Was your mother? A Yes, she was.
Q Well, you were born before the act of emancipation, weren't you? A Yes sir.
Q Weren't you a slave? A No, my father bought us in slave times.
Q Was your mother liberated by the act of emancipation? A No sir.
Q Is your father living? A No sir, dead.
Q Is your mother living? A No sir, she's dead too.
Q What was your father's name? A Thomas B. Slaughter.
Q What was your mother's name? A Delila Slaughter.
Q What was her maiden name? A Colwell.
Q Through which parent do you claim Choctaw blood? A My father's mother.
Q Through your father then? A Yes sir.
Q How much Choctaw blood do you claim? A Well, his mother was a Choctaw; I can't tell.
Q Was his mother a full blood Choctaw? A Yes sir.
Q Was your father half Choctaw? A Yes sir.
Q And you claim one half of that? A Yes sir.
Q What would be a quarter? do you claim a quarter? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory?
A No sir, I guess not.

Q Are you married now? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he the only one you ever had? A Yes sir.
Q Is he a negro? A He is mixed; his mother was a colored woman and his father was a white man.
Q Then he is half white and half negro? A Yes sir.
Q You don't make any claim for him? A No sir.
Q Give me his name? A Uriah Cole.
Q Give me the names of your children under age and unmarried for whom you want to make application? A Daisy T. Cole.
Q How old is Daisy? A She will be 21 in August.
Q She's twenty now then is she? A Yes sir.
Q What's the name of the next child? A Arthur.
Q How old is Arthur? A Eighteen.
Q What's the name of the next child? A Tessie. (Girl)
Q How old? A She was sixteen in July.
Q What is the name of the next child? A Mamie.
Q How old is Mamie? A Fourteen.
Q You claim for yourself and these children? A Yes sir. I have ten but I am speaking of the youngest ones.
Q The others are over age, aren't they? A Yes; the youngest one is Paul; eleven years old.
Q Are you sure you are right about this; have you got five children who are under 21 years of age and unmarried? A Yes sir.
Q And you have given them all now? A Yes sir.
Q And the other children are all married or over age? A Yes sir.
Q They will have to make application for themselves if they wish to come before the Commission to be identified. A Yes sir.
Q Is Uriah Cole the father of these children? A Yes sir.
Q Are you and the children living together at his home and you and he living together as husband and wife? A Yes sir.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for yourself or any of your children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Have you or your children ever been admitted to citizenship by any authority whatever up to the present time? A No sir.
Q Is this your first application for yourself and children to become members of the Choctaw tribe of Indians? A Yes sir.
Q Do you claim this right under article fourteen of the treaty of 1830 or don't you understand that article? A No sir, I don't.

An article in a treaty is one of its paragraphs or subdivisions; a treaty is an agreement or compact in writing made between Nations; a treaty was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September in the year 1830. This treaty is sometimes called the Treaty of Dancing Rabbit Creek and was made between these two Nations for the purpose of the removal of the Choctaw Indians from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory.

Before the treaty could be signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory with the other Indians under the treaty and in order to protect the rights of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and a quarter to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830?

A I don't know what my aunts done; they sent me the papers and I got them misplaced and as soon as I come to Gibson I wrote them again and they sent me my papers.

Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A Jane Washington and Ann Body.

Q Who are they? A They are my father's sisters.

Q I want your ancestors; the relative you claim through from whom you are lineally descended? A Ann Body.

Q B-o-d-y? A Yes sir.

Q Was that your father's mother? A Yes sir.

Q Do you know whether she got her Choctaw blood from her father or her mother? A Her father.

Q Do you know her father's name? A No sir.

Q You cannot go back any farther than your father's mother? A That's all I know.

Q Well, Ann Body had how much Choctaw blood? A ----

Q You said a little while ago that she was a full blood? A I can't explain it to you without showing you the papers.

Q You said a while ago that your father's mother was a full blood. A Well, that's what I have been told.

Q How much Choctaw blood did Ann Body have, do you know? A I don't know.

Q What made you say she was a full-blood a little while ago if you didn't know? A Well, from the way the papers read to me.

Q How much Choctaw blood did your father have? A His mother must have been a full blood from the papers but there is no new papers.

Q How much Choctaw blood did your father have? A ----

Q If you don't know you must say so. A Well, if his mother was full blood--of course I don't know what he would be unless it was a half.

Q Are you sure his mother was a full blood? A I don't know.

Q Did she live in Mississippi in 1830 or in Alabama in the old Choctaw Nation and have a family there at that time? A Well, some of the treaties I can't tell.

Q Answer my question. A No sir, she was brought from some of the places by some one armed Polk she called him.

Q Now, did your grandmother, Ann Body, live in Mississippi or Alabama in 1830 and have a family there then? A She was brought from some place to Danville, Kentucky.

Q Now, answer my question; did she ever live in Mississippi?

A I don't know.

Q Did you ever hear that Ann Body ever lived in Mississippi or Alabama? A I don't know.

Q You don't know whether she lived there 73 years ago in either of those States in the old Choctaw Nation and had a family there then? A I don't know.

Q Did you ever hear that Ann Body or any other Choctaw ancestor of yours went to the United States Indian agent Col. Ward within six months after the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A No sir, I never heard.

Q Did she or any Choctaw ancestor of yours live on land in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent from the Government to that land? A No sir.

Q Did she claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did she or any Choctaw ancestor of yours go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A No sir, none of them never was that I know of.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 to 1838 or 1840? A No sir, I don't know.

Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress in 1837 or before a Commission appointed in 1842 by another act of Congress, which Commissions went to Mississippi to hear complaints of Indians under article fourteen of the treaty of 1830? A None that I knows.

These Commissions were appointed by various acts of Congress in order to hear the claims of Choctaw Indians who claimed that they had lived in Mississippi and stayed there after the treaty of 1830 was ratified and had complied or attempted to comply with article fourteen of the treaty of 1830 but because of the Indian agent, Col. Ward's refusal to allow them to register the Government had taken their land and sold it.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A None as I know of; I always heard them say that their mother was a Choctaw Indian and I never knowed any of them to apply to get land but after I moved out here as close several times I thought I would come and try; I had a daughter at Gibson and she was unable to come.

Q You never heard that any of your Choctaw ancestors got any scrip from the Government which was issued under an act approved August 23, 1842? A No sir.

Q You never heard of that act of Congress did you? A I may have read a bout it. I don't remember anything about it; not as I know of.

Q Did you ever read about that Commission that was appointed by that act of Congress in 1837? A No sir, I don't remember reading anything about it in particular.

Q Did you ever read anything about it in general? A No sir.

Q Did you ever read anything about Col. Ward? A I don't know as I did.

Q He was the United States Indian agent in Mississippi in 1830; and 1831; did you ever hear that he was a Choctaw Indian? A If I did I don't remember.

Q Did you ever hear what he did with reference to the treaty of 1830? A No sir, cause I only just heard that we was Choctaw Indians and I sent to them for something to go on and I thought I would try it.

Q Have you any white blood? A Yes my father was part.

Q You claim white and Indian blood and what else? A I guess that's all. Well, my father's father was a colored man.

Q Well, haven't you some colored blood? A Yes sir.

Q About how much? A My mother's mother was a colored woman and so was my father's father.

Q You have a good deal of colored blood haven't you? A I guess that shows up right smart.

Q You show up more colored blood than Indian, don't you? A You can judge better from that than I can.

Q Have you any papers you want to present to the Commission?

A Yes sir.

(Unattested letters presented by applicant to the Commission and refused.)

Q Do you know who Ann Body married? A Yes sir.

Q What was her husband's name? A Charles Slaughter.

Q Ann Body was her maiden name then? A Yes sir.

Q Did Charles Slaughter have any Choctaw blood? A No sir.

Q You never heard that Ann Body lived in Mississippi or Alabama?

A No sir.

Q She used to live in Kentucky, I understand? A Yes, and died there.

Q Have you any other evidence you want to present to the Commission now? A No sir.

Q You have no relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir, I am the first and only one of the family I guess.

Q You don't speak or understand the Choctaw language, do you?

A No sir.

This applicant has the appearance and physical characteristics of being descended from negro and white parentage; she claims Choctaw blood; the Commission is unable to determine that she has any.

M.K.Cole-----6

she has no knowledge of the Shactaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of February, 1903.

Charles H. Sawyer

Notary Public.


COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---@---

In the matter of the application of Mary T. Cole, et al.,
for identification as Mississippi Choctaws, M.C.R. 6695.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary T. Cole for herself and her five minor children, Daisy T., Arthur, Tessie, Mamie and Paul Cole, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation, and was herself a slave, and that the other applicants herein are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the

Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Mary T. Cole, Daisy T. Cole, Arthur Cole, Tessie Cole, Mamie Cole and Paul Cole as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

AUG 1 1903

Muskogee, Indian Territory, April 21, 1903.

Mary T. Cole,
c/o Georgianna McMurry,
Gibson Station, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, by reference from the Secretary of the Interior, in which you state that your grandmother was a full blood Choctaw, "but by some cause her family name is or seems to be lost." You ask to be advised what can be done under such circumstances.

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present time rendered any decision as to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who

M T C 2

resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

M C R 6696

OPY.

Muskogee, Indian Territory, August 1, 1903.

Mary T. Cole,

Baxter Springs, Kansas.

Dear Madam:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary T. Cole, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Mary T. Cole, Daisy T. Cole, Arthur Cole, Tessie Cole, Mamie Cole and Paul Cole as such should, therefore, be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

M T C 2

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered,

COPY.

Muskogee, Indian Territory, August 1, 1903.

Manefield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary T. Cole et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Mary T. Cole, Daisy T. Cole, Arthur Cole, Tessie Cole, Mamie Cole and Paul Cole as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary T. Cole, et al., applicants to the Commission for identification as Mississippi Choctaws including the decision of the Commission of August 1, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

T. E. Neelce.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures. M C R 6693

D.C.
1511-1904.
ITD 24-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 7, 1904.

WCF.
FHE.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mary T. Cole (M.C.R. 6695), for herself and her five minor children, Daisy T., Arthur, Tessie, Mamie and Paul Cole, including your decision of August 1, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Ann Body, through her son Thomas B. Slaughter, father of the principal applicant, it being alleged that the said Ann Body was possessed of Choctaw Indian blood

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter December 31, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision in so far as it rejects the applicants, is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

Enclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
53574-1903.

WASHINGTON, Dec. 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Mary T. Cole for the identification of herself and her five minor children, Daisy T., Arthur, Tessie, Mamie and Paul Cole, as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission August 1, 1903.

The record in this case shows that the applicants trace their Choctaw ancestry from Ann Body, grandmother of the principal applicant, through her son, Thomas B. Slaughter, the father of the principal applicant. It is claimed that Ann Body was at least of part Choctaw Indian blood, but the witness, Mary T. Cole, is unable to give any further information as to the residence of her grandmother in 1830 and her status at that time, as to whether she was the head of a family or as to whether she complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year.

Ann Body, Thomas B. Slaughter and his wife were slaves and the Commission rejected the applicants on the ground and for the reason that the principal applicant was born of a slave mother prior to the emancipation proclamation and was herself

a slave. The other applicants herein are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes or by decree of the United States court in Indian Territory, and it is the opinion of the Commission that under the provisions of the law relative to the identification of Mississippi Choctaws no freedman is entitled to identification as a Mississippi Choctaw.

An investigation of the records of this office has been made with reference to the names of Ann Body and Thomas B. Slaughter and it is discovered that neither of these applicants appear among the names of those persons who either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is therefore recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.) P.

COPY.

M.C.R. 6695

Muskogee, Indian Territory, January 19, 1904.

Mary T. Cole,

Baxter Springs, Kansas.

Dear Madam:

You are hereby notified that on the 7th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary T. Cole, et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

N.C.R. 6695

Muskogee, Indian Territory, January 19, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary T. Cole, et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, February 8, 1904.

Mary T. Cole,
Baxter Springs, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state "I would like to know what you mean by saying I had been advised."

In reply you are informed that the purpose of our letter of the 19th ultimo was to notify you that the decision of the Commission refusing your application had been approved by the Secretary of the Interior, of which decision you were notified on August 1, 1903.

The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

6695

No.

6695

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name

Mary T. Cole.

Age

42 -

Blood

1/4

Post Office,

Baxter Springs, Kan.

Father:

Thomas B. Slaughter, d.

Mother:

Melila " d.

Claims through

father 1/2

Husband, -

l.

Uriah Cole

1/2 n. 1/2 w.

No claim for husband

Children:

Daisy T. Cole, 20.

Arthur " 18

Jessie " F. 16

Marnie " 14

Paul " 12

Claims for self
and 15 minors

Monographer

H. Y. Hains.

R. 1

6695

Mary J. Galt

2

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JAN 14 1914

ACTION MAILED APPLICANT.

NOTICE OF ACTION
FORWARDED BY
AND CHARGE.

DECISION PREPARED

Choctaw MCR 6696

Mattie E. Holder

MCR 6696

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 12, 1903.

6696

In the matter of the application of Mattie E. Holder for the identification of herself and her four minor children, Eugene, Herman, Frank P. and Jerome Holder, as Mississippi Choctaws.

B.S. Johnson, attorney for applicants.

Mattie E. Holder being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie E. Holder.
Q What is your age? A Thirty eight.
Q What is your post office address? A Thirty eight.
Q How long have you lived at Oxford? A Nine years.
Q How long in Louisiana? A Twelve years.
Q Where were you born? A In Illinois.
Q How long did you live in that State? A Three years; until I was three years old.
Q You went from there to what State? A Missouri.
Q Where did you live in Missouri? A Marvin Hill.
Q How long were you there? A Eight years.
Q When you went where? A In another part of the State of Missouri I lived in Missouri till I was sixteen.
Q When went where? A To Mississippi.
Q Where in Mississippi did you live? A Iuta.
Q You lived how long in Mississippi? A About 6 or 7 years.
Q And went to what State? A Louisiana.
Q And you have been there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Moses P. Harrison.
Q What is your mother's name? A Mary Jane Harrison.
Q Do you claim your Choctaw blood through your father or your mother? A My father.
Q How much Choctaw blood do you claim? A I claim that I am an eighth.
Q Was your father a quarter Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A He was here three years.
Q Has he ever been enrolled here? A Not that I know of.
Q Have you proof of the marriage of your father and mother with you now? A No sir.
Q Do you know when and where your father and mother were married?
A Yes; Iuta, Mississippi, the 5th day of October 1885 I think.
Q Were they married by a minister under a license? A Yes sir.

M.E.Holder-----2

- Q Is your husband living? A Yes sir.
Q What is his name? A F.M.Holder.
Q What is his race-I mean is he Indian or white? A He is a white man---French and Irish.
Q Do you make any claim for him? A No sir.
Q You have how many minor children? A Four.
Q What is the name of the oldest? A Eugene.
Q How old is he? A Nine years.
Q What is the name of the next? A Herman.
Q How old is Herman? A Five years old.
Q The next? A Frank P.
Q How old? A Two years old.
Q The next? A Jerome, five months.
Q You claim for yourself and these four minor children, do you?
A Yes sir.
Q Is F.M.Holder the father of these four children? A Yes sir.
Q Are you and he living together as husband and wife? And are the children living with you at his home? A Yes sir.
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and these minor children? A No sir.
Q Have you ever made such application for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? (No answer.)

A treaty is a compact or contract in writing made between two or more different Nations and an article in a treaty is one of its paragraphs or subdivisions; a treaty was made between the United States Government and the Choctaw Nation in the State of Mississippi at a place on old Dancing Rabbit Creek on the 27th day of September 1830; this treaty is sometimes called the treaty of Dancing Rabbit Creek; the object of the treaty was to secure the removal of the Choctaw Indians from that old Choctaw Nation East of the Mississippi River which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory under the treaty and in order to protect their interests- of those who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty; this is the article under which you make your claim today and it is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with the provisions of article fourteen or not? A My great grandmother.
- Q What was your great grandmother's name? A Mary Harrison.
- Q How much Choctaw blood did she have? A I think she was full-blood.
- Q Was that her maiden or married name? A Married name.
- Q What was her husband's name? A I don't know.
- Q Do you know whether she claimed her Choctaw blood through both of her parents? A No sir, I don't.
- Q Know what her father's name was? A No sir.
- Q Or her mother's? A No sir.
- Q You are not able to go back farther than Mary Harrison? Your great grandmother? A No sir.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family there then? A I think so.
- Q In which State did she live? A In Mississippi.
- Q You think she was living in Mississippi 73 years ago and had a family there then? A Yes sir.
- Q Do you know whether she within six months after the ratification of the treaty of 1830 went to the United States Indian Agent Col. William Ward and attempted to register or actually did register under article fourteen of the treaty of 1830? A Yes, I think she did.
- Q Have you any proof that she went to Col. Ward and registered any farther than that you have heard it in the family? A That's all; I have been told.
- Q It is a matter of family history and tradition? A Yes sir.
- Q Do you know whether she or any of your Choctaw ancestors lived on land in that old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty of 1830 was ratified and then get a patent to it from the Government under article fourteen of the treaty of 1830? By a patent I mean a deed? A I think she had land.
- Q Did she get a deed or patent to that land from the Government? A I think she did.
- Q What makes you think she did? Have you heard so in the family? A Yes, I have been told that she had taken land.
- Q But about the patent I am asking now. These who had patents issued to them as a rule had records of it; did you ever see anybody who had known anything about patents being issued to Mary Harrison or any Choctaw ancestors of yours? Do you know of the existence of any such patent? A I have heard that she had land but I don't know.
- Q Persons received patents only after they had lived on that land five years; do you know whether Mary Harrison or any Choctaw ancestors of yours lived on land there for five years and then got a patent from the Government for that land?

(Attorney for applicant says they claim they expect to furnish later a copy of the patent that was issued to Mary Harrison.) So prompted, the applicant says they propose to try to offer such documentary evidence.

- Q You haven't it now? A No sir.
- Q Do you know where that land is located in Mississippi- in what County? A No sir, I don't.
- Q You don't know anything about these boundaries then? A No sir.
- Q Do you know how much land there was? A No sir.
- Q Then as I understand you, you will try to show later if given a little time in this case, that Mary Harrison received a patent from the Government under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you know whether Mary Harrison or any other Choctaw ancestor of yours went from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Do you know whether she or any Choctaw ancestor of yours came from Mississippi or Alabama to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory--did any of your Choctaw ancestors live in the Choctaw Nation, Indian Territory I mean by your ancestors your father or any of his ancestors having Choctaw blood. A My father lived here two years I guess.
- Q Where did he live, do you remember? A No sir.
- Q Do you know when he came to the Choctaw Nation, Indian Territory? A In '38 or '39 I think.
- Q He came I suppose at his own expense? A Yes sir.
- Q Where did he live just before he came to the Choctaw Nation, Indian Territory? A I think it was Memphis, Tennessee; near there.
- Q Did he die in the Choctaw Nation or go from the Choctaw Nation elsewhere? A He went from the Choctaw Nation to Iuka Mississippi sometime afterwards; he married there.
- Q Is he the only ancestor of yours who ever did live in the Choctaw Nation, Indian Territory? A I don't know.
- Q How old would your father be if living now? A About 71 I believe.
- Q Where was he born? A Forest City, Arkansas.
- Q How old would your great grandmother, Mary Harrison, be if living now-if you know. A I don't know.
- Q You claim through your father and he claimed through which parent? A Father.
- Q What was his father's name? A George Washington Harrison.
- Q Did he ever live in Mississippi or Alabama? A I think so.
- Q Do you know if he live there in 1830-- 73 years ago? A No sir, I don't.
- Q He claimed through his mother, Mary Harrison, did he? A Yes sir.
- Q Now did she or any Choctaw ancestors of yours go before a Commission that was appointed by an act of Congress approved March 3, 1837, or before a Commission appointed by an act of Congress approved August 23, 1842, and claim any rights as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed by various acts of Congress to hear the complaints of the Choctaw Indians who claimed that they had gone to Col. Ward within six months after the ratification

of the treaty of 1830 and had attempted to register under article fourteen of the treaty of 1830 but that Col. Ward refused to allow their names to go upon his registry list; because of his refusal the Government took the land from these Choctaw Indians and sold it at Public Land Sale.

Q Did you ever hear that any of your Choctaw ancestors, Mary Harrison or any others, went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

This scrip or certificates as we would call it now were issued under the provisions of the act of August 23, 1842, and were given to Choctaw Indians who claimed their rights under article fourteen of the treaty of 1830 and further claimed that their lands had been taken from them there by the Government and sold at Public Land Sale.

Q Have any of your Choctaw relatives been before this Commission to be identified as Mississippi Choctaws? A No sir, none that I know.

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you any other evidence you want to present at this time? (Attorney says not at this time; we want to introduce other proof; probably marriage record of his and a copy of the patent issued to Mary Harrison; and we want to introduce probably one or two witnesses, Indians, living back there now.)

Thirty days time is allowed for the introduction of such evidence as may be submitted to the Commission under the rules of the Commission.

Examination by A. E. Johnson:

Q Do you know where your grandmother, Mary Harrison, died, in what State? A No sir.

Q Knew whether she ever lived in Mississippi or Alabama or not? (No answer).

Q Do you know whether she lived and died in Mississippi or anywhere back there? A No sir, I don't.

Q All that you know is from hear-say? A Yes, all I know is from hear-say.

Q The statements you make in regard to your ancestry is from hear-say through whom? A Through my father and his relations.

Q Is he dead? A My father's dead.

Q Is your grandfather dead? A Yes sir.

Q And your great-grandmother, Mary Harrison, is dead? A Yes sir.

By the Commission:

Q Do you know how many children Mary Harrison had? A Yes, I know.

M E Helder 6866666666

Q Do you know where she was born? A No sir.
Q Or when? A No sir.
Q Know where or when she died? A No sir.
Q Have you any relatives who are before the Commission today for the purpose of being identified as Mississippi Choctaws? A Yes, Asa Harrison my brother and my sister Cynthia J. Weasel.
Q Where does your brother live? A Boyce, La.
Q Where does your sister live? A Boyce, La.
Q Are these full brother and sister? A Yes sir.
Q And claim through the same ancestor you claim through? A Yes sir.

where is filed herewith, marked Exhibit "A" and made a part of the records in this case the written statement of applicant.

this applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair, blue eyes, light complexion; she has no knowledge of the Choctaw language and her knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 is based on family tradition.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above on February 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in case.

Henry G. Hains

Subscribed and sworn to before me this 17 day of February, 1903

Charles H. Sawyer

Notary Public

M C R 6696

COPY!

Muskogee, Indian Territory, April 7, 1904.

Mattie E. Holder,

Oxford, Louisiana.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 18, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George M. Harrison, et al., including you and your children Eugene Holder, Herman Holder, Frank P. Holder and Jerome Holder.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

T. B. Needles.
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 23, 1904.

Mattie E. Holder,

Oxford, Louisiana,

Dear Madam:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George E. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Tame Bixby,

Commissioner in Charge.

Muskegee, Indian Territory, June 8, 1905.

Mrs. Mattie Holder,
Oxford, Louisiana.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 16, 1905, asking if there is any chance for you to be identified as a Mississippi Choctaw.

In reply you are informed that the Commission's decision of March 16, 1904, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was affirmed by the ~~Secretary~~ of the Interior on June 14, 1904.

Your case is considered closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

6696

No.

6696

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 12 1903

Date

Name Mattie E. Holder

Age, 38. Blood '18

Post Office, Oxford, La. -

Father: Moses P. Harrison, d.

Mother: Mary J. Harrison, l.

Claims through father - '14 -

Husband.

F. M. Holder, l. w.

No claim for husband

Children:

Eugene Holder, 9

Herman " 5

Frank P. " 2

Jerome " 5 m.Claims for self
and 4 minor

Stenographer H. G. Harris,

REFUSED.

FOR IDENTIFICATION AS
A MISSISSIPPI

R. 66

Mattie E. Holders et al.

NOTED

ALL 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 25 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

REFUSED.

Choctaw MCR 6697

Cynthia J. Weasel

MCR 6697

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Feb. 12, 1903.

6697

In the matter of the application of Cynthia J. Weasel for the identification of herself and her two minor children, Ivy M. and Hans Hubbard, as Mississippi Choctaws.

B.S. Johnson, attorney for applicant.

Cynthia J. Weasel, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Cynthia J. Weasel.
Q What is your age? A Thirty six.
Q What is your post office address? A Boyce, Louisiana.
Q How long have you lived in Louisiana? A About eight years.
Q Before that where did you live? A In Mississippi.
Q Where did you live in Mississippi? A Iuka.
Q You lived in that State about how long? A About 12 years.
Q Before you lived in Mississippi where--- A In Missouri.
Q Where were you born? A In Illinois, Carbondale.
Q And went from there to what State? A Missouri.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Moses P. Harrison.
Q What is your mother's name? A Mary J. Harrison.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A An eighth.
Q You claim your father was a quarter Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Have you proof of the marriage of your father and mother with you at this time? A No sir.
Q When and where were they married? A October 5, in 1855 at Iuka, Mississippi.
Q Were they married by a minister and under a license? A Yes sir.
Q Is your husband living? A Yes, I have been married twice.
Q What was your first husband's name? A O.C. Hubbard.
Q He is dead now? A No sir.

Q Were you divorced from him? A Yes sir.
 Q Did you obtain the divorce? A Yes sir.
 Q What is his race? A White man.
 Q When were you divorced, from your husband, O.C. Hubbard, were you given the custody of children which you had by this husband?
 A Yes sir.
 Q And you have charge of these children now? A Yes sir.
 Q Have you married again? A Yes sir.
 Q What is your present husband's name? A W.M. Weasel.
 Q He is living? A Yes sir.
 Q What is his race? A German.
 Q You don't make any claim for him then as a Choctaw Indian?
 A No sir.
 Q How many children have you that you want to make application for? A Two.
 Q Both by your first husband? A Yes sir.
 Q What is the name of the oldest child? A Ivy M. Hubbard.
 Q How old is your daughter Ivy? A Sixteen years old.
 Q What is the name of the next child? A Hans.
 Q Boy? A Yes sir.
 Q How old is he? A Fifteen years old.
 Q You claim for yourself and these two children? A Yes sir.
 Q Your first husband, O.C. Hubbard, was the father of these two children? A Yes sir.
 Q How long have you been divorced from him? A Its been about ten years I believe.
 Q In what Court were you divorced? A Hillsboro, Texas. In the District Court.
 Q Do you know the name of that district? A It was issued in Hillsboro the County seat.
 Q The Choctaw blood then that you claim for these two children ~~the Choctaw blood then that you claim for these two children~~ of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
 Q Or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the authorities of the United States, the Dawes Commission, or the United States Court in Indian Territory? A No sir.
 Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q You heard that article explained and quoted in your sister's examination; do you think you understand it now well enough to claim under it? A Yes, I think so.

The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A We are of the opinion that they did.
- Q What is the name of your ancestor through whom you claim your Choctaw blood and who you claim complied with article fourteen of the treaty of 1830? A Mary Harrison.
- Q What relation was she to you? A My great grandmother.
- Q How much Choctaw blood did she have? A She was full blood we was told.
- Q Is that her married name? A Yes sir.
- Q What was her husband's name? A I don't know.
- Q How many children did she have? A I don't know.
- Q When and where was she born? A We have no idea.
- Q Do you know how old she would be if living now? A No sir.
- Q Know when and where she died? A No sir.
- Q Did she ever live in Mississippi or Alabama? A We think she did.
- Q In which State or in both? A We don't know.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation and have a family there then? A I think so.
- Q Do you know? A No sir.
- Q Did you ever hear that she lived in Mississippi and was head of a family there then? A Yes sir.
- Q Did you hear when she lived there; what year or years? A No sir.
- Q Have you any idea. A No sir.
- Q Do you know whether she went to Col. Wm. Ward within six months after the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A No sir, I don't know.
- Q Did you ever hear that she claimed any land in the old Choctaw Nation in 1830? A I have been told she did.
- Q Do you know whether she lived on land for five years in the old Choctaw Nation and after that received a patent to it from the Government under article fourteen of the treaty of 1830 in Mississippi or Alabama? A No sir, I am not sure.
- Q Have you ever heard about her trying to get land in the old Choctaw Nation under article fourteen? A Well, I have been told that she had land.
- Q Do you know where that land was located? A I think in Mississippi.
- Q Do you know where in Mississippi-in what County? A No sir.
- Q Do you know anything of its boundaries or of the quantity of land she had? A No sir.
- Q It is just a rather indefinite family tradition then is it? A Yes sir.
- Q Can you tell who in the family told you that Mary Harrison occupied land in Mississippi? A No sir.
- Q Do you know whether Mary Harrison bought land which she occupied in Mississippi or not? A No sir.

Examination by B.S. Johnson:

- Q Did you ever hear your father say anything about it? A No sir.

By the Commission:

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian

Territory, at any time between 1830 and the date of this application made by you today for the purpose of acquiring a residence here under the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838 with the other Indians at the Government's expense? A I don't know.

Q Did your father ever live in the Choctaw Nation, Indian Territory? A Yes, he was here a while.

Q Is he the only ancestor of yours that you know ever lived in the Choctaw Nation, Indian Territory? A That's the only one I know of.

Q When he went to the Choctaw Nation from what State did he go? A Memphis ~~MISSISSIPPI~~ Tennessee.

Q How long did he live in the Choctaw Nation? A About 2 years.

Q Then he went where? A I guess back to Mississippi. That's where he was married.

Q He didn't stay very long in the Choctaw Nation? A No sir.

Q Do you know what year he went? A He was there in 58 and 59 I think.

Q Did any Choctaw ancestors of yours go before the Commission appointed in 1837 by an act of Congress approved March 3, that year, or before a Commission appointed in 1842 by an act of Congress approved August 23, 1842, and claim any rights under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed by various acts of Congress in order to hear complaints of the Choctaw Indians who had endeavored to register under article fourteen of the treaty of 1830 but whose names Col. Ward refused to accept for registration because of his refusal these Indians lost their land which they held in the old Choctaw Nation; it was taken from them and sold.

Q You never heard whether any of your Choctaw ancestors went before either of these two Commissions? A I don't remember.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Mary Harrison did I think.

Q She received scrip did she? A I think so.

(By B.S. Johnson)

Q Do you understand what scrip is? Scrip was something which was issued them to locate land on Public Domain; do you know anything about scrip? A I don't know about that.

Q You just mean you don't understand? A Yes sir.

(By the Commission)

Q As stated to you by Mr. Johnson scrip is another name for certificates or legal papers which were issued to the Indians by the Government under article fourteen and the act of Congress approved August 23, 1842, which entitled the holder to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which these Indians had formerly occupied in the old Choctaw Nation and which the Government had taken from them and sold; you don't know about that? A No sir.

C.J.Weasel-----5

Q do you speak or understand the Choctaw language? A No sir.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws except your sister, Mattie E. Holder? A No sir.

Q She was your full sister, wasn't she? A Yes sir.

Q And you would like to have your case considered with hers?

A Yes sir.

Q Would you like to have your case consolidated with hers? A Yes

(The case of Mattie E. Holder, M.C.R. 5696, is here referred to for the purpose of consolidation.)

Q Have you any other relatives here now? A Yes, Asa Harrison, my full brother.

Q Any questions, Mr. Johnson? A No, I believe not; I ask for some time for the same time as the other and I want to file this as a document.

(The statement under oath of Mrs. C.J.Weasel presented by her attorney, received filed, marked Exhibit "A" and made a part of the record in this case.)

This applicant has the appearance and physical characteristics of being descended from white parentage; light hair, blue eyes light complexion; she does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes taken in same on February 12, 1903.

Henry G. Hains

subscribed and sworn to before me this 17 day of February, 1903.

Charles H. Hays

M C R 6697

Muskogee, Indian Territory, April 7, 1904.

Cynthia J. Weasel,
Boyce, Louisiana.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., including you and your children Ivy M. Hubbard, and Hans Hubbard.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. B. Needles

: Commissioner in Charge.

Registered.

COPY!

M.C.R. 6697

Muskogee, Indian Territory, June 23, 1904.

Cynthia J. Weasel,

Boyce, Louisiana,

Dear Madam:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Larns Bixby.

Commissioner in Charge.

6697

No.

6697

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name

Cynthia J. Weasel

Age

36 -

Blood

1/8

Post Office, 7 Boyce, La.

Father: Moses P. Harrison d

Mother: Mary J. " l

Claims through

father 1/4 -

Husband (1)

"domes., w.

O. C. Hubbard,

Husband (2)

W. M. Weasel, l. w.

No claim for husband.

Children.

Ivy M. Hubbard, 16

Hans

" TWT. 15-

Claims for self
and 2 minor

Stenographer

H. H. H.

REFUSED.

FOR IDENTIFICATION AS
A MINOR CHILD

R. 669

Cynthia J. Wrasell et

DECISION

NOTICE OF DECISION TO
1904

ALL

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF LEGISLATIVE
ACTION

JUN 23 1904

NOTICE OF LEGISLATIVE
FORWARD

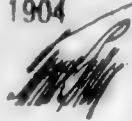
JUN 23 1904

REFUSED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 28 1904



CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Cynthia J. Weasel,



Louisiana.

Choctaw MCR 6698

Asa Harrison

MCR 6698

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 12, 1903.

6698

In the matter of the application of Asa Harrison for the identification of himself and his minor child, Asa Harrison, Jr., as Mississippi Choctaws.

B.S. Johnson, attorney for applicant.

Asa Harrison being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Asa Harrison.
Q What is your age? A Twenty eight.
Q What is your post office address? A Royce, Louisiana.
Q How long have you lived there? A About twelve years.
Q Where did you live before that? A Mississippi.
Q How long did you live in Mississippi? A About 11 years.
Q Where were you born? A Marble Hill, Missouri.
Q And from Missouri you went to what State? A Mississippi.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Moses P. Harrison.
Q What is your mother's name? A Mary J. Harrison.
Q Do you claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A An eighth.
Q Has he ever been recognized as a Choctaw Indian or enrolled as one by any authority in the Choctaw Nation? A Not that I know of.
Q Either by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q Do you make any claim for your wife? A No sir.
Q What is her name? A Clara C. Harrison.
Q Have you proof of the marriage of your father and mother with you now? A No sir.
Q Do you propose to file that proof later? A Yes sir.

(attorney says also the proof of his own marriage.)

Q Have you children you want to make application for? A Yes one.
Q What is the name? A Asa, Jr.
Q How old is Asa? A Five years old.
Q Your wife Clara C. is the mother of this child, is she? A Yes sir.
Q Have you proof of your marriage to your wife now? A Not with me, no sir.
Q When were you married to her? A 5th April 1897.
Q By a minister under a license? A Yes sir.
Q At what place? A At Lake, Rapides Parish, Louisiana.

A. Harrison---2

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you come before the Commission to identify yourself and your child as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you think you understand that article? A Yes I think I do.

It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from that ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article? A None that I know of.

Q What is the name of your Choctaw ancestor through whom you claim your Choctaw blood now? A Mary Harrison.

Q Was that her married name? A Yes sir.

Q Know what her husband's name was? A No sir.

Q Was he a white man? A Yes, he had no Indian blood that I know of.

Q She was your great grandmother? A Yes sir.

Q How much Choctaw blood did she have? A I am under the impression she was full blood.

Q She claimed through both parents did she? A Yes sir.

Q Q she claimed through both parents, did she? A Yes sir.

Q What were their names, do you know? A No sir.

Q You claim through your father, Moses P. Harrison? A Yes sir.

Q And he claimed through which parent? A His father.

Q What was his name? A George Washington Harrison.

Q He claimed through which parent, his father or mother?

A His mother, Mary Harrison.

Q What is your great grandmother and is the ancestor you are claiming through now? A Yes sir.

Q You are not able to go back any farther? A No sir.

Asa Harrison---3

Q Did she live in Mississippi or Alabama at any time? A I don't know positively.

Q Did you ever hear that she lived in one State or the other?

A No sir nothing definite.

Q Have you any family rumor or history that she lived in Mississippi or Alabama at any time? A No sir.

Q You don't know whether she lived in that old Choctaw Nation in 1830 and had a family there then? A No sir.

Q Did you ever hear that within six months after the ratification of the treaty of 1830 she went to the United States Indian agent, Col. Ward and a tempted to register under article fourteen of the treaty of 1830? A No sir.

Q Do you know whether she lived on land in that old Choctaw Nation five years and then received a patent from the Government for that land under article fourteen of the treaty of 1830? A No sir, I don't know but I propose to file the proof of that later on.

(By B.S. Johnson.)

Q You are claiming that she did but you don't know it of your own knowledge? A What's it.

Q Well, that's what you are required to answer.

(By the Commission)

Q You don't know much about that? A No sir.

Q If she owned or claimed land in the old Choctaw Nation then she must have lived in the old Choctaw Nation, but in answer to a question a while ago you said you didn't know whether she lived in the old Choctaw Nation in Mississippi or Alabama. A Nothing definite.

Q Well, now, if you ever heard that she lived in Mississippi or Alabama and owned land after the treaty of 1830 was ratified which was February 24, 1831, and after living on it five years received a patent from the Government, say so. A No sir never heard that.

Q Did you ever hear that any Choctaw ancestors of yours either Mary Harrison or any other went from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory?

A No sir.

Q Didn't you hear that your father went there? A I heard that my father did live here but not to live here permanently.

Q He didn't go from Mississippi or Alabama, did he? A No sir, from Memphis, Tennessee.

Q How long did he stay in the Choctaw Nation, Indian Territory?

A About two years and went back to Mississippi.

Q He is the only ancestor you know anything about that lived in the Choctaw Nation, Indian Territory? A Yes sir.

Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved March 3, 1837 or one appointed August 23, 1842 and claim benefits under article fourteen of the treaty of 1830? A No sir, none that I know of.

These Commissions were appointed in these different years by various acts of Congress for the purpose of hearing testimony from claimants who went before said Commissions within six months from the ratification of the treaty of 1830 and to determine whether or not they were entitled to the benefits of the treaty.

Ans Harrison-----4

article fourteen but because of Col. Ward's refusal to receive their names for registration and place them with his registry list these Indians had land taken from them and sold by the Government.

Q You don't know whether any of your ancestors went before either of these Commissions? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any certificates or scrip which instruments entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which had once held in the old Choctaw Nation and which the Government had taken from them and sold? A No sir.

Q Do you understand or speak the Choctaw language? A No sir.

(Thirty days time is allowed the applicant in which to file further evidence if he desires in support of this claim.)

Q Is Cynthia J. Weasel your sister? And Mattie E. Holder? A Yes sir.

Q Would you like to have your case consolidated under the head of Mattie E. Holder-- 5696? A Yes sir.

Q It will be so consolidated.

(Statement under oath of the applicant received, filed marked Exhibit "A" and made a part of the record in this case.)

This applicant has the appearance and physical characteristics of being descended from white parentage; auburn hair, red mustache, ruddy complexion, blue eyes; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of February, 1903.

Charles H. Sawyer

M C R 6698

Muskogee, Indian Territory, February 25, 1903.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the original marriage license and certificate between Asa Harrison and Clara Cruikshank, offered for filing in support of the application made by Asa Harrison for the identification of himself and minor child as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Chairman.

M C R 6698

COPY:

Muskogee, Indian Territory, April 7, 1904.

Asa Harrison,

Boyce, Louisiana.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George E. Harrison, et al., including you and your son Asa Harrison, Jr.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

Registered.

COPY:

Waukegon, Indian Territory, June 23, 1904.

Ass Harrison,

Boyer, Louisiana,

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Tamr Bixby

Commissioner in Charge

6698.

No.

6698

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name *Asa Harrison*

Age *28* . Blood *"8*

Post Office, *Boyce, La.*

Father: *Moses P. Harrison d.*

Mother: *Mary J. " l.*

Claims through *father "8*

Wife - -

Clara C. Harrison, l. w

No claim for wife.

Children:

Asa Harrison, Jr. 5-

*Claims for self
& child*

Stenographer *H. G. Harrison*

REFUSED.

FOR IDENTIFICATION AS

A MINOR

R. 66

Asa Harrison et al

DECISION RENDERED MAY 11 1904

NOTICE OF DECISION RENDERED

APPLICANT AS 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

NOTICE

RECORD FORWARDED DEPARTMENT.

MAY 25 1904

APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 23 1904

REFUSED.

Choctaw MCR 6699

Susie Rentro

MCR 6699

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 12, 1903.

6689

In the matter of the application made by Joseph Crouch as guardian for the identification of Susie and Claude Renfro, minor children of George and Nancy Renfro, deceased, as Mississippi Choctaws.

A.B. Pearson & Son, attorneys for applicant:

Joseph Crouch being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Joseph Crouch.

Q What is your age? A Thirty.

Q What is your post office address? A Wilmer, Texas.

Q Are you an applicant for identification as a Mississippi Choctaw made before this Commission? A Yes sir.

Q On the 18th of December, 1902,? A Yes sir.

Q Do you now come before this Commission for the purpose of making application for the identification of minor children for whom you are guardian or are to be appointed guardian? A Yes sir.

Q Are you appointed guardian for these children now? A Not yet; I have made application, to be appointed for these children.

Q Why are you not guardian now? A Why, I couldn't have it done for a certain time yet.

(Attorney for applicants says application had been made to the County Court of Dallas County, Texas, for these children, and application has to be made and notice posted for ten days prior to the day of the term's County Court beginning- the first day of the term; and the next term convenes at Dallas, Texas March 3, at which time the application will be heard.)

Q You are satisfied that Joseph Crouch will be appointed at that time guardian for these two children? A Yes sir.

Q Do you introduce this statement signed by A.B. Rawlins, Deputy Clerk of Dallas County Texas as proof of the same? A Yes sir.

The statement of A.B. Rawlins, Deputy Clerk of said County Court, County of Dallas, in regard to the application for letters of guardianship made by Joseph Crouch upon the persons and estates of Susie Renfro, a female aged 20 years, and Claude Renfro, a male aged 16 years, presented by applicant, marking Exhibit "A" and being a part of the record in this case.

(To attorney)

Q Upon the appointment of Joseph Crouch as guardian for these children, will you immediately file a certified copy of the appointment with the Commission and have it made part of the records in this case? A Yes sir.

(To applicant:)

Q You will see that this is done through your attorney? A Yes sir.

Q What is the name of the oldest child for whom you want to make application today? A Susie Renfro.

Q How old is Susie? A Twenty.

Q She is not married? A No sir.

Q What is the name of the next child? A Claude (boy).

Q How old is he? A Sixteen.

Q What is the post office address of these children? A Wilmer, Texas.

Q Do you desire to have any communication sent for these children to you as their guardian? A Yes, that would be best I reckon.

Q What was the name of the father of these children? A George Renfro.

Q Is he dead? A Yes sir.

Q Is the mother living? A No sir.

Q What was her name? A Nancy Crouch, married Renfro.

Q Through which parent did these children claim their Choctaw blood? A Their mother.

Q How much Choctaw blood do you claim for them through their mother? A One thirtysecond.

Q Do you claim that their mother, Nancy, was a sixteenth? A Yes sir.

Q Was she ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you know when and where the parents of these children were married? A Dallas County, Texas; I don't know; you have the marriage certificate somewhere.

Q Who filed that certificate? A We have got the certificate here; it is to be filed in another case; Minnie Samples-- she is the daughter of George and Nancy and she intends to make application today.

Q You desire reference then to be made to her case? A Yes sir.

Q Do you know whether Nancy Renfro the mother of these children has ever been recognized as a member of the Choctaw tribe of Indian by any authority in the Indian Territory? A No sir.

Q Are you related to these children? A Yes, I am their uncle.

Q When going back to the ancestor through whom you all claim these children claim through the same ancestor you claim through? A Yes sir.

Q Are their names on any of the tribal rolls of the Choctaw Nation Indian Territory? A Not that I know of.

Q Has any one ever made application for them for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of June 10, 1896? A No sir.

Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Is this the first application for them? A Yes sir.

Q Do you now want to identify them as Choctaw? A Yes sir.

Q Article fourteen of the treaty of 1830? A Yes sir.

Q You have now stated all the facts and explained a number of them.

Q Before, have you heard? A Yes sir.

J. Crouch----

Q "o you understand it? A Yes, I think so; I don't think there is any need of explaining it.

It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q "o you know whether the ancestor of these children lived in Mississippi or Alabama in 1830? A In Mississippi I think.

Q What was the name of the ancestor through whom these children make their application? A Rachel Brashier.

Q What relation was she to these children? A Their great-great-grandmother.

Q Did she have a family there then? A Yes sir.

Q What was her husband's name? A I don't know sir.

Q Was Rachel Brashier the maiden name of this great-great-grandmother? A No sir, married name.

Q Do you know whether she went to the United States Indian agent within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty? A Yes, I think so.

Q What's family history and tradition is it? A Yes sir.

Q Have you any proof except what you have heard from members of the family? A Yes, we have proof.

Q Have you the proof here with you? A No sir.

Q They claim through their mother, Nancy Renfre? A Yes sir.

Q She claimed through? A Through her mother Susan Crouch.

Q How was she related to you? A My mother.

Q And she claimed through whom? A Through her mother.

Q What was her mother's name? A Nancy Wilson-married name.

Q What was her maiden name? A Brashier.

Q Did she claim through Rachel Brashier? A Yes sir.

Q What is the ancestor you are claiming for these children? A Yes sir.

Q You think she lived in Mississippi in 1830? A I think so.

Q Do you know whether she lived on land in the old Choctaw Nation for five years or did any other ancestor of these children and after that get a patent from the Government under article fourteen?

A I think she did.

Q How do you have the proof of that? A No sir.

Q You think you will be able to see to that later? A Yes sir.

Q Do you know if any of the Choctaw ancestors of these children

J. Crouch-----4

Q Sent from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application you make for them today? A Not that I know of.

Q Or at any other time? A Not that I know of.

Q Did any of the Choctaw ancestors of these two minors own any improvements on land in the old Choctaw Nation in MO? A I don't know.

Q Did any of the Choctaw ancestors of these children go before the Commission appointed by an act of Congress approved March 3, 1837 or before one appointed by act approved August 23, 1842, and claim benefits under article fourteen of that treaty? A I don't know.

Q You understand why these two Commissions were appointed? A Yes, I have heard it explained.

Q You have also heard it explained in reference to the issuing of scrip or certificates under the act of Congress approved August 23, 1842? A Yes sir.

Q Do you know whether any of the Choctaw ancestors of these children received any such scrip or certificates from the Government under article fourteen? A No sir.

Q Do these children understand or speak the Choctaw language? A No sir.

Q Is Ssie Renfro dark or light in color of eyes and complexion? A Dark in complexion and Claude too; I don't know about their eyes. Claude has blue eyes; I don't know about Ssie's.

Q Would you like to have this case consolidated with your? A Yes sir.

Reference is made to the case of Joseph Crouch--6468-- for the purpose of consolidation.

thirty days time is allowed in this case for the introduction of further evidence in support of this application.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of February, 1903.

Charles H. Hays

M.C.R. 6468

M.C.R. 6476

M.C.R. 6699

Mustagee, Indian Territory, July 22, 1904.

Joseph Crouch,

Wilmer, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your minor children, Charlie, Lela, Dewey and Mabel Crouch, your mother Susan Crouch, your niece Emily Hines, and Susie Renfro and her brother Claude Renfro.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

(See MCR 6468 for registry receipt for this letter).

MOR-6476-
6699-6496

Muskogee, Indian Territory, March 19, 1907.

Joseph Crouch,
Wilmer, Texas.

Dear Sir:

There is enclosed herewith copy of Departmental letter of February 12, 1907, accompanied by the reports of the Acting Commissioner of Indian Affairs of October 11, 1904, and May 5, 1906, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

ENC encl. 10-1

6699

No.

6699

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name *Joseph Crouch* Guardian
for *2 minors*
Age *30* Blood *Cherokee 1/32*

Post Office, *Wilmer, Texas*
Cherokee

Father: *George Renfro, (d)*

Mother: *Nancy* " *(d)*
Cherokee

Claim through *mother, 1/16*

Children:

Susie Renfro, 20 1/32

Claude " M. 16 1/32

Claims for 2
minors

Stenographer

A. G. [Signature]

Joseph Crouch
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 668

REFUSED

Susie Crouch et al

DECISION RENDERED

JUL 20 1904

OF DECISION FORWARDED

APPLICANT

JUL 22 1904

BY THE DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

RECORD FORWARDED DEPARTMENT

SEP - 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

REFUSED

M. C. R.

Choctaw MCR 6700

Leta A. Platt

MCR 6700

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 12, 1903.

6700

In the matter of the application of Leta A. Platt for the
identification of herself and her minor child, Marie Olivia Platt,
as Mississippi Choctaws.

A.B. Pearson & Son, attorneys for applicant.

Leta A. Platt, being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Leta A. Platt.
Q What is your age? A Twenty eight.
Q What is your post office address? A Marshall, Texas.
Q How long have you lived in Marshall, Texas? A All my life.
A Are your parents living? A Yes sir.
Q What is your father's name? A J.M. Malone.
Q What is your mother's name? A Mattie B. Malone.
Q Do you claim your Choctaw blood through your father or mother?
A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim he was an eighth Choctaw? A Yes sir.
Q Has he ever been recognized in any way or enrolled as a member
of the Choctaw tribe of Indians by either the Choctaw tribal author-
ities or the authorities of the United States? A No sir.
Q Have you proof of his marriage to your mother here? A No sir.
Q Do you remember the day of the month and year of their marriage?
A April 14, 1893.
Q Where? A Marshall, Texas.
Q By a minister under a license? A Yes sir.
Q Is your husband living? A No sir.
Q What is his race? A White.
Q Do you make any claim for him? A No sir.
Q What is his name? A Benjamin Platt.
Q How many children? A Yes sir.
Q What is the name of your child? A Marie Olivia Platt.
Q How old is she? A Two years.
Q What is her father's name? A Benjamin Platt.
Q Are you and your husband married? A Yes sir.
Q and is this child your child?
A Yes sir.

Leta A. Platt----2

Q Have you ever made application for yourself and child to the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.

Q This is the first application for yourself and child you have ever made? A Yes sir.

Q Do you now come before the Commission to identify yourself and child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes I do; I have heard it repeated.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article? A I don't know.

Q What is the name of your ancestor you claim through? A Rachel Brashier.

Q What was her husband's name? A I don't know.

Q What relation was she to you? A Great grandmother.

Q How much Choctaw blood did she have? A Half I think they said.

Q You claim through your father, J.M. Malone? A Yes sir.

Q And he claimed through whom? A His mother.

Q What was her name? A Nancy Malone; maiden name was Brashiers.

Q She was a daughter of whom? A Rachel Brashiers.

Q And that is the great grandmother you referred to? A Yes sir.

Q Did any of these Choctaw ancestors live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family there then? A I don't know.

Q Did you ever hear in the family that Rachel Brashier lived in Mississippi or Alabama? A Yes I have heard them speak of it since this come up.

Q When? A Just recently.

Q When did she live there in Mississippi? A I don't know when.

Leta A. Platt---3

Q Do you know whether she within six months after the treaty of 1830 was ratified went to Col. Ward the United States Indian agent and attempted to register under article fourteen of the treaty of 1830? A I don't know.

Q Did she live on land for five years in that old Choctaw Nation and at the end of that time receive a patent to it from the Government? A I don't know.

Q Did she or any ancestor of yours claim land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did she or any Choctaw ancestor of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the date of the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A Not that I know of.

Q Did any of them go between 1833 to 1838 with the other Indians at the expense of the Government? A I don't know.

Q Did you ever hear that any of them owned any improvements on land in the old Choctaw Nation in 1830? A No sir.

Q Did any of your Choctaw ancestors go before the Commission appointed in an act of Congress approved March 3, 1837 or before a Commission appointed by an act of Congress approved August 23, 1842 and claim any rights under article fourteen of that treaty? A I don't know.

These Commissions were appointed one in 1837, and the other in 1842 because of the complaints of Choctaw Indians whose names Col. Ward had refused to allow to be placed upon his registry list and because of his refusal those Indians land, the land upon which they had improvements and which they formerly occupied in the old Choctaw Nation was taken from them and sold at Public Land Sale. By an act of Congress approved August 23, 1842, scrip was issued which scrip or certificates as we would call them authorized the holder to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which they had formerly held in the old Choctaw Nation and which the Government had taken from them and sold.

Q Did any of your Choctaw ancestors, Rebecca Barshier, or any other receive any such scrip from the Government under that act of Congress? A I don't know.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are you related to Joseph Crouch? A Yes, we are cousins; his mother was my aunt.

Q He has made application to be identified as a Mississippi Choctaw; do you want to have your case considered under the head of Joseph Crouch and others? A Yes sir.

The case of Joseph Crouch, et al., M.C.R. 6468, is here referred to for the purpose of consolidation,

Q You have no other evidence you want to present at this time?

A No sir.

Leta A. Platt----4

Q Do you want any time in this case? A Yes sir.

(Thirty days time is allowed this applicant in which to file any further evidence in support of this application.)

Q Any questions, Mr. Pearson? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair, brown eyes, dark complexion; does not understand the Chectaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12 day of February, 1903.

Charles H. Sawyer

Notary public.

COPY, M.C.R. 6700

Muskogee, Indian Territory, July 22, 1904.

Leta A. Platt,

Marshall, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Grouch et al., including you and Marie Olivia Platt.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commission of Indian Affairs.

Respectfully,
(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

MCR-6700.

Muskegee, Indian Territory, March 19, 1907.

Leta A. Platt,
Marshall, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner

6700

No.

6700

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name

Leta A. Platt,

Age

28

Blood

1116

Post Office,

Marshall, Tex.

Father:

J. M. Malone, l

Mother:

Mattie B. Malone, l.

Claims through

father. "8

Husband

Daniel S. Platt, l. w

No claim for husband

Children:

Marie O. Platt, 3

Claims for self
and minor.

Stenographer

H. G. Harris.

REFUSED

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

R. 6700

Leta A. Platt et al

DECISION RENDERED

JUL 20 1904

OF DECISION FORWARDED

APPLICANT

JUL 22 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JUL 22 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

JUL 22 1904

RECORD FORWARDED DEPARTMENT.

SEP 14 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT:

MAR 19 1907

NOTICE OF
FORWARDED

DEPARTMENTAL
ACTION

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 19 1907

REFUSED

Choctaw MCR 6701

Minnie Samples

MCR 6701

#6701.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 12, 1903.

In the matter of the application of Minnie Samples for the identification of herself and her minor child, Christie Worth Samples, as Mississippi Choctaws.

A. B. and Harry L. Person, attorneys for applicants.

Minnie Samples being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Minnie Samples.
Q What is your age? A Twenty-two.
Q What is your post office address? A Wilmer, Texas.
Q How long have you lived there? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A George Renfro.
Q What was your mother's name? A Nancy Renfro.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q You claim your mother was one eighth Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Is your husband living? A Yes sir.
Q What is his race? A He's white.
Q What is his name? A Silas Samples.
Q You don't make any claim for him? A No sir.
Q You have one minor child? A Yes sir.
Q What is its name? A Christie Worth Samples.
Q Is that a boy? A Yes sir.
Q How old? A Two years old.
Q You claim for yourself and this boy? A Yes sir.
Q Is Silas Samples the father of this child? A Yes sir.
Q Are you and he living together as husband and wife and this child living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of congress of June 10, 1896? A No sir.
Q Is this the first application of any kind that you have ever made for yourself and child? A Yes sir.
Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you want to be identified with this child as Mississippi

Minnie Samples-----2

Choctaws? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article well enough to claim under it? A I think so.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

Q Did any of your Choctaw ancestors comply with that article, or do you know? A I dont know.

Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw? A Rachel Brashears.

Q What relation to you? A My great great grandmother.

Q You claim through the same ancestor as your brother Claud and your sister, Susie, do you not? A Yes sir.

Q They have made application today through their uncle, Joseph Crouch? A Yes sir.

Q Do you want to have their application and yours considered under the original application of Joseph Crouch? A Yes sir.

The case of Joseph Crouch, et al., M C R 6468, is here referred to for the purpose of consolidation.

Q Is Letia A. Platt also related to you? A Yes sir, cousin.

Q Do you know whether Rachel Brashears lived in Mississippi at any time, particularly if she lived there in 1830 and had a family there then? A No sir.

Q Do you know whether she went to Colonel Ward within six months after the treaty of 1830 was ratified and tried to register under article 14 of the treaty of 1830? A No sir.

Q Did she ever occupy land in the old Choctaw Nation either in Mississippi or Alabama for five years, and then get a patent from the government for it? A I dont know.

Q Did she claim any land under article 14 of the treaty of 1830 in that old Choctaw Nation? A I dont know.

Q Did she go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1835 or '40? A I dont know.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today

Minnie Samples-----3

for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A I dont know.

- Q Do you know whether any of your Choctaw ancestors owned any improvements on land in that old Choctaw Nation in 1830? A No sir? I do not.

In 1837 and also in 1842 under various acts of congress commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830, or the treaty of Dancing Rabbit Creek as it was sometimes called. The reason why these commissions were appointed was because of the complaints of Choctaw Indians who stated that they had tried to register under article 14, but that Colonel Ward had refused to let them register, and because of his refusal these Indians had their land upon which they had improvements in the old Choctaw Nation taken from them by the government and sold at its public land sales. This caused so many complaints that these commissions were appointed in 1837 and in 1842 to hear the complaints.

- Q Do you know whether any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article of that treaty? A No sir.
- Q Did any of them receive any scrip from them government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A Not that I know of.
- Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this applicant for the introduction of other proof.

Certified copy of the marriage license of George W. Renfro and Nancy M. Crouch presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case. Also certified copy of the marriage license and certificate of marriage of Silas Samples and Minnie Renfro is presented by this applicant, received, filed, marked "Exhibit B", and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has black hair, black eyes, dark complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskegee, Indian Territory, on the 12th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 7 day of March, 1903.

Charles D. Sawyer
Notary Public.

M.C.R. 6701

COPY.

Muskogee, Indian Territory, July 22, 1904.

Minnie Samples,

Wilmer, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your minor child, Christie Worth Samples.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MOR-6701.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, ~~Sept 19, 1907~~

Minnie Samples,
Wilmer, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,



Commissioner.

6701

No.

6701

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 12 1903

Name Minnie Samples

Age 22

Blood 1/32

Post Office, Wilmer, Texas

Father: George Renshaw, d

Mother: Nancy " d

Claims through mother 1/16

Husband

Silas Samples l. 10

No claim for husband

Children:

Christie W. Samples M. 2

Claims for self &
child

Stenographer W. H. Martin

REFUSED
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW R. 6701

Minnie Samples et al

DECISION RENDERED

JUL 20 1904

EDWARD T. SAWYER

APPLICANT

JUL 22 1904

ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

JUL 22 1904

ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT.

SEP 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 9 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 9 1907

REFUSED

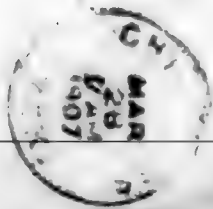
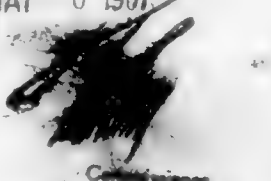
REFER TO M. C. R. 6701

117-111



DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED
MAY - 6 1907



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERR.



Minnie S. ...
... Texas.



6701

Choctaw MCR 6702

Thomas D. Phillip

MCR 6702

76708.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Thomas D. Phillips
for the identification of himself as a Mississippi Choctaw.

A. B. and Harry L. Person, attorneys for applicant.

Thomas D. Phillips being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas D. Phillips.
Q What is your age? A 23.
Q What is your post office address? A Dallas, Texas.
Q How long have you lived there? A 15 years.
Q Where did you live before you lived in Dallas? A In Dallas County.
Q Have you always lived in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A J. S. Phillips.
Q What is your mother's name? A Fernelia B. Phillips.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Your mother is one eighth? A One eighth.
Q Has she ever been recognized or enrolled by the Choctaw tribal authorities or the United States authorities in the Indian Territory as a citizen of the Choctaw Nation? A I don't know that she has.
Q You make this claim for yourself alone? A Yes sir.
Q You are not married? A No sir.
Q Is your name on any of the trial rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No.
Q This is your first application for citizenship in the Choctaw Nation? A Yes.
Q You came before the Commission now to be identified as a Mississippi Choctaw? A Yes.
Q Do you claim under article 14 of the treaty of 1830? A Yes.
Q Do you understand that article? A I don't thoroughly understand it.

A treaty is a contract or compact made in writing between two or more nations instead of a contract made in writing between individuals. It is called a treaty because it is made between nations instead of between individuals. An article in a treaty is one of its subdivisions or paragraphs or subdivisions the same as a verse in a chapter is one of its subdivisions.

In 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. This treaty is sometimes called the treaty of Dancing Rabbit Creek. The object of the treaty was to get the consent of the Choctaw Indians to remove from that old Choctaw Nation east of the Mississippi river which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. The object of the government in thus removing the Indians was to give them better protection upon land owned by the United States government and given by the United States to this tribe to be held as a nation. But before this treaty was signed it became known that a good many Choctaw Indians would not consent to go to the Choctaw Nation, Indian Territory under the treaty; they preferred to stay back in the old Choctaw Nation. No provision was made for them until article 14 was drafted and put into the treaty. This article 14 is the article under which Mississippi Choctaw claimants now make their application before the Commission, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?
A I dont know.
- Q What is the name of your ancestor through whom you claim the right to identification as a Mississippi Choctaw? A Rachel Brashears.
- Q What relation to you was she? A She is a great grandmother.
- Q How much Choctaw blood did she have? A I understand she was one half.
- Q Was that her maiden or married name? A I dont know.
- Q You claim through your mother? A Yes sir.
- Q And she claimed through which parent? A Her mother.
- Q What was her mother's name? A Nancy Brashears.
- Q Ad was Nancy the daughter of Rachel Brashears? A Nancy Malone or Nancy Brashears was the daughter of Rachel Brashears.
- Q Did Nancy Brashears or Malone or Rachel Brashears, her mother, ever live in Mississippi and have a family there in 1830, 75 years ago? A I dont know.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and had a family there then? A No.

Thomas D Phillips-----3.

- Q Did Rachel Brashears ever live in the old Choctaw Nation? A I dont know.
- Q Do you know when and where she was born? A No.
- Q Or when and where she died? A No.
- Q Did she or any Choctaw ancestor of yours within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and attempt to register under article 14 of the treaty of 1830? A I understand she did.
- Q Do you know whether she did register or not? A No, I dont know it to be a fact.
- Q Where did she live at that time? A I dont know.
- Q Dont know whether she lived in the old Choctaw Nation or whether she went from some other state? A No.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know.
- Q Do you know whether any of them went at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation for five years either in Mississippi or Alabama and at the end of that time get a patent from the government under article 14 of the treaty of 1830? A I dont know.
- Q Did you ever hear that Rachel Brashears or any other Choctaw ancestor of yours went before the Commission appointed by an act of Congress approved March 3rd 1842 or before a commission appointed by act of Congress approved August 23rd 1842 and claim any benefits under article 14 of the treaty of 1830? A I dont know that.

These commission were appointed because of the complaints of Choctaw Indians who stated that they had tried to register under article 14 of the treaty of 1830, but that they failed to do so on account of the position taken by Colonel William Ward who would not allow them to register, or neglected to put their names on his registry list, and because their names did not appear on his register these Indians had their land taken from them by the government and sold at its public land sales. This of course was an injustice to the Choctaw Indians, and was due entirely to the wilfull carelessness or malicious negligence of the United States Indian Agent, Colonel Ward, who was a man entirely unfit for his position. Nevertheless, as the names of these Indians did not appear on Ward's Register the land locating agent, Colonel Martin, was not able to allow them to get their lands, and the lands consequently were sold by the government.

- Q Now, did any of your Choctaw ancestors go before either of these two commissions and claim that they had tried to register and had been prevented by Colonel Ward? A I dont know that they did.
- Q Did any of them ever own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did you ever hear that any of your Choctaw ancestors ever received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No.

In 1842 by an act of Congress approved August 23rd of

Thomas D Phillips-----4

or certificates to Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you understand or speak the Choctaw language? A No.
Q Have you any other evidence that you want to present now? A No.

30 days time is allowed this applicant within which to introduce other proof if he desires in support of this claim.

- Q What relation is Joseph Crouch to you? A Cousin.
Q He has made application before this commission; do you want to have your case consolidated with his? A Yes.

The case of Joseph Crouch, et al., M O R 6468, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair, brown eyes, medium dark complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the abovesaid proceedings at Muskogee, I. T., on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 18 day of February, 1903.

Charles J Sawyer
Notary Public

M.C.R. 6702.

COPY.

Muskogee, Indian Territory, July 22, 1904.

Thomas D. Phillips,
Dallas, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Registered.

Commissioner in Charge.

M C R 6702

Muskogee, Indian Territory, July 25, 1904.

Thomas D. Phillips,
Post Office Box #26,
Dallas, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask if you can hold land pending the approval or rejection of your application for identification as a Mississippi Choctaw.

In reply you are advised that you now occupy the status of an applicant to this Commission for identification as a Mississippi Choctaw whose rights to such identification have not been finally determined, and it is not believed that you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

MCR-6702.

Muskogee, Indian Territory, March 19, 1907.

Thomas D. Phillips,
Dallas, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6702

No.

6702

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name Thomas W. Phillips

Age 23 - Blood 1116

Post Office, Dallas Texas.

Father: J. S. Phillips. l.

Mother: Permelia B. l.

Claims through - Mother '18

Children:

Claims for sep.
alone

Stenographer W. H. Martin

REFUSED
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW, R. 6702

Thomas D. Phillips

VISION RECORDED
JUL 2 1904
DEC 1 1904
JUL 2 1904

ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS.

JUL 2 1904
COPY FOR
ATTORNEY FOR APPLICANT.

FORWARDED DEPARTMENT
SEP 1 1907

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 12 1907

OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1907

OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

9 1907

REFUSED

Choctaw MCR 6703

Jesse Malone

MCR 6703

8703.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Jesse Malone for the
identification of himself as a Mississippi Choctaw.

A.B. and Harry L. Person, attorneys for applicant.

Jesse Malone being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jesse Malone.
Q What is your age? A 21.
Q What is your post office address? A Wilmer, Texas.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Isaac Malone.
Q What is your mother's name? A Mollie Malone.
Q You claim through your mother or father? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father one eighth Choctaw blood? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian
by the Choctaw tribal authorities or the United States authori-
ties in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you here? A Yes sir.
Q Is it filed in any case? A My father had it.
Q Is your father here? A Yes sir.
Q Has he made application? A No sir, not yet.
Q Is he to make application? A Yes sir.
Q Do you know when and where he was married? A No sir, I dont.
Q You are not married? A No sir.
Q You claim for yourself only? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to either the Choctaw tribal authorities or the United
States authorities in the Indian Territory,-- the Dawes Commis-
sion under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by any authority whatever up to the present time? A No sir.
Q Do you come before the Commission now to identify yourself as
a Mississippi Choctaw? A Yes sir.
Q This is the first application you have ever made of any kind?
A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir, I believe I do.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain
and become a citizen of the states shall be permitted to do so

by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of ~~one~~ section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty or not? A I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rachel Brashears.
- Q What relation to you? A Great grandmother.
- Q How much Choctaw blood did she have? A One half.
- Q Was that her maiden or married name? A I dont know.
- Q You claim through your father? A Yes sir.
- Q Isaac Malone? A Yes sir.
- Q He claimed through whom? A His mother.
- Q What was her name? A Nancy Malone.
- Q What was her maiden name? A Brashears, Nancy Brashears.
- Q Did she claim through her father or mother? A I dont know sir.
- Q Do you know what her mother's name was? A No sir.
- Q Do you know how Nancy was related to Rachel Brashears? A No sir.
- Q You say Rachel Brashears was your great grandmother? A Why, Nancy Malone was the daughter of Rachel Brashears.
- Q You know this now? A Yes sir.
- Q Then dont you know Rachel Brashears was the married name of your great grandmother, because she had a daughter named Nancy Brashears? A Yes sir.
- Q Do you know what was Rachel Brashears' maiden name? A No sir, I dont.
- Q Did Rachel Brashears live in Mississippi in 1830 or in Alabama in the old Choctaw Nation and have a family there then; in other words, was she the head of a family there at that time? A I dont know.
- Q Do you know whether she lived in Mississippi or Alabama at any time? A No sir.
- Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then? A No.
- Q Did Rachel Brashears or any Choctaw ancestor of yours live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors, Rachel Brashears or any other, go to the United States Indian Agent, Colonel Ward,

at his office or agency in Mississippi within six months after the treaty of 1830 was ratified, and register or attempt to register under article 14 of the treaty of 1830? A I dont know sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indian between 1833 and 1838, or '40? A I dont know sir.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, I dont know.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.

Q You never heard that Rachel Brashears or any other Choctaw ancestor of yours was a beneficiary under article 14 of the treaty of 1830? A No sir.

Q Did you ever hear that she or any other Choctaw ancestor of yours went before a commission appointed in 1837 or a commission appointed in 1842, and claimed any rights under article 14 of the treaty of 1830? A No sir, I dont know.

These commissions were appointed by various acts of Congress to listen to the complaints of Choctaw Indians who went before Colonel Ward within six months from the ratification of the treaty of 1830 and attempted to register under article 14, but were refused registration by Colonel Ward, and because of his refusal the government took their land from them in the old Choctaw Nation and sold it, together with the improvements on that land.

Q Did any of your Choctaw ancestors receive any scrip from the government, which was issued under an act of Congress approved August 23rd, 1842? A I dont know sir.

This scrip was issued to Choctaw Indian who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation by the government. This scrip was issued by the Commission of 1842.

Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this applicant for the introduction of other proof in this case.

Q What relation are you to Joseph Grouch? A Cousin.

Q Do you want to have your case consolidated with his? A Yes sir.

The case of Joseph Grouch, et al., M. C. R. 6468, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair; gray eyes; ruddy complexion; does not understand the

Jesse Malone-----4

Choctaw language, and has no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin
Subscribed and sworn to before me this 18 day of February 1903.

Charles J. Sawyer
Notary Public.

M.C.R. 5703

COPY:

Muskogee, Indian Territory, July 22, 1904.

Jesse Malone,

Wilmer, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6703.

Muskogee, Indian Territory, March 19, 1907.

Jesse Malone,
Wilmer, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

INDIAN LAND AND MONEY
LFB-3-11-42
Mississippi Choctaw
claim.

March 11, 1942.

Mr. Jess Malone,
1919 K Street, NW
Washington, D. C.

Dear Sir:

We have your recent inquiry as to your claim for enrollment as a Mississippi Choctaw, and ask why nothing was received as a result of your "registration" made about February 14, 1902.

The records of this office show that on February 13, 1903, you applied for identification as a Mississippi Choctaw, giving your age as 21, and stating you were of 1/16 Indian blood, son of Isaac Malone, a Choctaw claimant, and Mollie Malone, not of Indian blood.

In the course of your testimony given on February 13, 1903, and also by your father, Isaac R. Malone, it was shown that no application had ever been made for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the Act of Congress of June 10, 1896, and that you or your father had no knowledge of any attempt by your Choctaw ancestors of complying with Article 14 of the Treaty of 1830, or if they removed to the Choctaw Indian Territory at any time between the ratification of the Treaty of 1830 and date of the application by you and your father.

As you and your father were unable to present sufficient information to establish your Indian claim for enrollment, such application was refused by the Commission to the Five Civilized Tribes (Dawes Commission) on July 20, 1904 and you were so notified; and on February 12, 1907, the action taken by the Commission in refusing your application for enrollment was approved by the Secretary of the Interior and notice of such Departmental action was forwarded to you on March 19, 1907, and this case can now only be considered as closed. The rolls for the Five Civilized Tribes, namely, Choctaw, Chickasaw, Cherokee, Creek and Seminole Tribes of Indians, were completed and closed on March 4, 1907 as provided by Act of Congress approved April 22, 1904 (34 Stat. L. 157) and nothing can now be done looking to the enrollment of any one as a citizen of any of these Tribes.

Mr. Jesse Malone

March 11, 1942.

Only those persons whose names already appear on the approved rolls were entitled to land or money from their particular Tribe.

Respectfully,

Asst. to Superintendent.

6703

No.

6703

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name

Jesse Malone

Age

21

Blood

1/16

Post Office,

Wilmer, Texas,

Father:

Isaac Malone, d.

Mother:

Mollie "

d.

Claims through

father - "8

~~Children:~~Claims for self
alone

Stenographer

W. H. Martin

REFUSED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 6703

Jesse Malone

ED

OF DECISION FORWARDED

JUL 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS

REC

SEP - 2 1904

MENT

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 11 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 11 1907

REFUSED

FEB 10 A. O. R.

Choctaw MCR 6704

Isaac Malone

MCR 6704

#6704.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Isaac R. Malone for the identification of himself, his six minor children, Stoney, Alvy, Bessie, Bailey, Winnie, and Agnes Malone, and his married daughter, Callie McCarsen, and her minor child, Lucy McCarsen, as Mississippi Choctaws.

A. B. and Harry L. Person, attorneys for applicants.

Isaac R. Malone being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Isaac R. Malone.
Q What is your age? A Fifty.
Q What is your post office address? A Wilmer, Texas.
Q How long have you lived in Wilmer? A Twenty-five years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Giles Malone.
Q What was your mother's name? A Nancy Malone.
Q Do you claim your Choctaw blood through your father or mother?
A Mother.
Q How much do you claim? A One eighth.
Q Was your mother one quarter Choctaw Blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Mollie Malone.
Q Do you make any claim for her? A No sir.
Q Will you give me the names of your children under age and unmarried that you want to make application for? A Yes sir.
Q Beginning with the oldest? A Stoney, 20.
Q Boy? A Yes sir.
Q The next? A Alvy, 18.
Q Boy? A Yes sir.
Q The next? A Bessie, a girl, 15.
Q The next? A Bailey, a boy, 14.
Q The next? A Winnie, a girl, 12.
Q The next? A Agnes, 10, a girl.
Q The next? A That's all.
Q Is your wife, Mollie, the mother of these children? A Yes sir.
Q Have you the proof of your marriage here? A Yes sir (Presents a paper). I have two here; one is my daughter's.

Certified copy of the marriage license and certificate of the marriage of Isaac R. Malone and Mollie Stadden presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Do you want to make application for one of your married daughters? A Yes sir.
Q What is her name? A Callie McCarsen.
Q Do you want to introduce this power of attorney authorizing you to appear for her in the matter of this application,

Isaac Malone-----2

which is signed by her? A yes sir.

Power of attorney signed by Callie McC Carson, authorizing Isaac R. Malone, her father, to represent her in this application, is presented by this applicant, received, filed marked "Exhibit B", and made a part of the record in this case.

- Q She has stated in this power of attorney the reason why she is not able to come here herself and make this application; what is her physical condition? A Confinement.
- Q And she is unable to come now and you think she would be unable to come before the 25th day of March of this year? A Yes sir.
- Q Will you file with the Commission within thirty days a doctor's certificate sworn to before a notary public as to her physical condition? A yes sir.
- Q How old is she? A 22.
- Q You are her father? A yes sir.
- Q And your wife, Mollie Malone, is her mother? A yes sir.
- Q She claims her Choctaw blood through you entirely? A yes sir.
- Q Has she any children? A One.
- Q What is its name? A Lucy.
- Q How old is Lucy? 3 or 4 weeks old.
- Q What is the name of the father of Lucy? A Harden McC Carson.
- Q What is his nationality? A He's a white man.
- Q This child gets no Choctaw blood through its father? A No sir/
- Q But through its mother, your daughter, Callie? A yes sir.
- Q Lucy is your granddaughter? A yes sir.
- Q Has your daughter Callie McC Carson through whom this grandchild claims ever been recognized or enrolled as a member of the Choctaw tribe if Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Is this a certified copy of the marriage of your daughter and her husband? A Yes sir.

Certified copy of the marriage license and certificate of H. H. McC Carson and Callie Malone presented by this applicant, received, filed, marked "Exhibit C", and made a part of the record in this case.

- Q This H. H. McC Carson is Harden McC Carson, is it? A Yes sir.
- Q Is your name, or are the names of any of your children, including your married daughter, Callie, or her daughter, Lucy, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Was any application ever been made either for you or your children or your married daughter or her child for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No.
- Q Have any of you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself, your minor children, and your daughter, Callie, and her child as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A yes sir.
- Q Do you understand that article? A yes sir.

Isaac Malone-----3

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No sir.
- Q What is the name of your ancestor through whom you and your children claim? A Rachel Brashears.
- Q What relation was she to you? A My grandmother.
- Q And your daughter, Callie's great grandmother? A Yes sir.
- Q How much Choctaw blood did Rachel Brashears have? A One half.
- Q That was her maiden name wasn't it? A I suppose it was.
- Q Did she have a daughter, Nancy? A yes sir.
- Q What relation was she to you? A My mother.
- Q How old would your mother be if living now? A She would be 80 or 85, maybe 90.
- Q Where was she born? A I really dont know, either in Mississippi or Alabama.
- Q Then she was born in the old Choctaw Nation was she? A yes sir.
- Q Do you know if she was living there in 1830, 73 years ago? A well, my opinion is she was.
- Q You think Rachel Brashears had a family there in Mississippi or Alabama at that time? A Yes sir.
- Q Thats family history and tradition? A Yes sir.
- Q Your son is Jesse Malone? A yes sir.
- Q He has made application today? A Yes sir.

The case of Jesse Malone is M C R 6703.

- Q Do you know whether your grandmother, Rachel Brashears, went to Colonel Ward, the United States Indian Agent, at his agency in Mississippi, within six months after the treaty of 1830 was ratified, that is within six months from the 24th day of February, 1831, and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A No, I couldn't tell anything about that.
- Q That is what we call complying with article 14 of the treaty of 1830 in part; do you know whether she or any other Choctaw ancestor of yours lived on land in that old choctaw nation either in Mississippi or Alabama for five years, and at the end of that time receive a patent for that land from the government under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation in Mississippi or alabama under article 14 of the treaty of 1830? A Not that I know of.

Isaac R. Malone-----4

- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did any of your Choctaw ancestors, Rachel Brashears or any other go before a commission appointed by act of congress in 1837 or before a commission appointed by act of congress in 1842, and claimed any rights under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed because Colonel Ward refused to register these Choctaw Indian claimants under article 14 of the treaty of 1830, and because of his refusal the Indians had lost their lands in the old Choctaw nation, the government had taken it from them and sold it at its public land sales; these commissions were appointed to hear their claims.

- Q Did any of your Choctaw ancestors receive any scrip from the government, which was issued under an act of Congress approved August 23rd, 1842? A Not that I know of.
- Q Do you speak or understand the Choctaw language? A I do not.
- Q Does your daughter, Callie? A No sir.

30 days time is allowed this applicant for the introduction of other proof in this case.

- Q Are you related to Joseph Crouch? A Yes sir.
- Q What relation? A I am his uncle.
- Q Do you want to have this case of yours and his considered together? A Yes sir.

The case of Joseph Crouch, et al., M C R 6468, is here referred to for the purpose of consolidation.

By Harry L. Person, atto rney for applicants:

- Q You remember seeing your grandmother? A Yes sir.
- Q What sized woman was she? A Very small.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, brown eyes, ruddy complexion; mustache somewhat gray and lighter than his hair; he does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskegee, Indian territory, on the 13th day of February, 1903, and that the within and for going is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 18 day of February, 1903.

Charles J. [Signature]
Notary Public.

COPY: M.C.R. 6704

Muskogee, Indian Territory, July 22, 1904.

Isaac R. Malone,
Wilmer, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you, Stoney Malone, Alvy Malone, Bessie Malone, Bailey Malone, Winnie Malone, Agnes Malone, Callie McCarson and Luby McCarson.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles,
Commissioner in Charge.

Registered.

MCR-6704.

Muskogee, Indian Territory, March 19, 1907.

Isaac Malone,
Wilmer, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6704

No. R. 6704

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date R. FEB 13 1903

Name Isaac Malone for
self, family, and Callie
Mc Carson & her children
Age 50 - Blood 1/8

Post Office, Wilmer, Texas,

Father: Giles Malone, d-

Mother: Nancy " d-

Claims through Mother 1/4
Wife.

Mollie Malone, l. w.
No claim for wife.

Children:

Stoney Malone	M	20.
Alvy	"	M 18
Bessie	"	F 15
Bailey	"	14
Winnie	"	12
Agnes	"	10

Callie Mc Carson. 22

Lucy " 3 weeks
(Lucy is daughter of Callie
Mc Carson)

father - Harden Mc Carson, w. l.

Claims for self, children, and
daughter & grand children

Stenographer

W. H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 6704

REFUSED

Isaac Malone et al

DECISION RENDERED

JUL 20 1904

DECISION FOR

APPLICANT
JUL 29 1904

ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JUL 22 1904

COPY OF DECISION FORWARDED

RECORD FORWARDED DEPARTMENT
SEP - 2 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 18 1907

REFUSED

RECORDED 6476

Choctaw MCR 6705

Ben Malone

MCR 6705

#6705.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Ben Malone for the identification of himself and his three minor children, Olen, Bady, and Neeley Malone, as Mississippi Choctaws.

A. B. and Harry L. Person, attorneys for applicants.

Ben Malone being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ben Malone.
Q What is your age? A 47.
Q What is your post office address? A Tishomingo, I. T.
Q How long have you lived in Tishomingo? A About 14 months.
Q And before that where? A In Shackerville, I. T.
Q How long have you lived in the Indian Territory? A About 14 years.
Q Where were you born? A In Texas.
Q And lived there until you went to the territory? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Giles Beasley Malone.
Q What was your mother's name? A Nancy Malone.
Q Is Isaac R. Malone your full brother? A Yes sir.
Q He has made application today, and gave the name of his father as Giles Malone, you give the middle name Beasley? A Yes sir that's the full name.
Q How you claim through which parent, father or mother? A My mother.
Q How much Choctaw blood had she? A One quarter.
Q You claim one eighth? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q Do you make any claim for her? A No sir.
Q What is her name? A Alice Malone.
Q How many children have you? A Three.
Q All under age and unmarried? A Yes sir.
Q What is the name of the oldest? A Olen Malone.
Q Boy or girl? A Boy.
Q What is his age? A 13 years old.
Q The next? A Bady Malone.
Q How old? A 7 years old.
Q That's a boy? A That's a boy.
Q The next? A Neeley Malone.
Q How do you spell that name? A N-e-e-l-e-y, I believe is the way it is spelled in the Bible.
Q A boy? A Yes sir, a girl.
Q How old is Neeley? A Three years old.
Q You claim for yourself and these three children? A Yes sir.
Q Is Alice Malone the mother of these children? A Yes sir.

Ben Malone-----2

- Q Are you and she living together as husband and wife and these children living with you at your home? A Yes sir.
- Q Have you the marriage license and certificate of your marriage? A Yes sir, (Presents a paper) I had to buy that twice, too, and it makes me mad twice; my original license was lost by fire or something, and I got that off the ledger.

Certified copy of the marriage record of B. D. Malone and A. J. Chaney presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is this B. D. Malone your name? A Yes sir, Ben Malone.
- Q That is the Ben Malone who now appears before the Commission? A Yes sir.
- Q Who is A. J. Chaney? A That's my wife, Alice Malone.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Dawes Commission under the act of congress of June 10, 1896? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the commission to the five civilized tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q DO you understand that article? A Yes sir, I think so.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it/ persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity"/

- Q How do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A I do not.
- Q What is the name of your ancestor that you are making this claim through? A That would be from our mother under our grandmother.
- Q What was your grandmother's name? A Rachel Brashears.
- Q That was her married name? Yes sir.
- Q And your mother was her daughter? A Yes sir.
- Q And she married a man named Malone? A Yes sir.
- Q That is your father? A Yes sir.
- Q Did your grandmother, Rachel, live in Mississippi or Alabama in 1830? A No sir, I couldn't say.

Ben Malone-----3

- Q You have heard, have you not, it rumored in the family that she did live in Alabama? A Yes sir I have heard it rumored.
- Q How much Choctaw blood did she have? A She was one half.
- Q Did she go to colonel Ward, who was United States Indian Agent, within six months after the treaty of 1830 was ratified and register, or attempt to register under article 14 of that treaty? A I dont know.
- Q Did she live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know.
- Q Did she ever claim any land in that old Choctaw Nation under article 14 of that treaty, either in Mississippi or Alabama? A I dont know.
- Q Did she go from that Old Choctaw Nation to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know sir.
- Q Did she go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation Indian Territory? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old choctaw nation, in 1830 or 1831? A I dont know.

In 1837 a commission was appointed by an act of congress approved March 3rd of that year, and in 1842 another commission was appointed by an act of congress approved August 23rd of that year. These two commissions in these different years went to Mississippi and heard claimants under article 14 of the treaty of 1830. The Indian s who went before these commissions claimed that they had tried to register under Colonel Ward under article 14 of the treaty of 1830, but that Colonel Ward refused to allow them to register, and because he refused to register them the government took their land from them in the old Choctaw Nation and sold it at its public land sales.

- Q Do you know if any of your Choctaw ancestors, Rachel Brashears or any other, went before either of these two commissions, and claimed any benefits under article 14 of that treaty? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of congress approved August 23rd, 1842, and was given to Indians who claim their rights and proved them under article 14, and also proved that their land had been taken from them in the old Choctaw Nation by the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No sir.

30 days time is allowed this applicant within which to introduce other evidence in this case .

- Q You are related to Joseph Chench? A Yes sir.
- Q What relation are you? A He is my nephew.
- Q DO you want to have his case referred to in this application? A yes sir.

Ben Malone-----4

The case of Joseph Crouch, et al., M C R 6468, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair; blue eyes;

Q Your eyes are blue? A Yes sir, and one a little crossed.

he has ruddy complexion, medium dark; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 18 day of February, 1903.

Charles H. Sweeney
Notary Public.

COPY:

Muskogee, Indian Territory, July 22, 1904.

Ben Malone,

Tishomingo, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you, Olen Malone, Bady Malone and Wesley Malone.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commission of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge

Registered.

MCR-4708.

Muskogee, Indian Territory, March 19, 1907.

Ben Malone,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6705

No.

6705

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name Ben Malone

Age 47 - Blood ~~118~~ 118

Post Office, Tishomingo, I. T.

Father: Giles B. Malone, d.

Mother: Nancy " d.

Claims through mother 14 -

Wife.

Alice Malone, I. W.

No claim for wife.

Children:

Olen Malone, M. 13

Bady " " 7

Neelley " F. 3

Claims for self
and 3 minors.

Stenographer W. H. Martin -

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFUSED

Ben Malone et al

JUL 2 1904

OF DECISION FORWARDED

ATTORNEY

JUL 10 1904

COPIES OF DECISION FORWARDED

TO THE ATTORNEY FOR THE

CHOCTAW NATION

JUL 10 1904

COPIES OF DECISION FORWARDED

TO THE ATTORNEY FOR THE

CHICKASAW NATION

RECORD FORWARDED DEPARTMENT.

SEP - 2 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

J. G. H.

REFUSED

Choctaw MCR 6706

Jake M. Malone

MCR 6706

#6706.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Jake M. Malone for the identification of himself and his minor child, Effie A. Malone, as Mississippi Choctaws.

A. B. and Harry L. Person, attorneys for applicants.

Jake M. Malone being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jake M. Malone.
Q What is your age? A 54.
Q What is your post office address? A Marshall, Texas.
Q Have you always lived in Texas? A Yes sir.
Q How long in Marshall? A Been there 20 years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Giles B. Malone.
Q What was your mother's name? A Nancy Malone.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q She was one quarter Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Have you been married more than once? A No sir.
Q What is your wife's name? A Mattie B. Malone.
Q What is her race? A White.
Q Give me the name of the child, or children, you want to apply for? A Effie A. Malone.
Q How old is Effie? A Nineteen.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is your wife, Mattie B. Malone, the mother of this child? A Yes sir.
Q When and where were you married to your wife? A 16th day of April, 1872, near Marshall, Texas.
Q By a minister under a license? A Yes sir.
Q Have you the proof of your marriage with you now? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship with your child in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is this the first application you have ever made for yourself and child? A Yes sir.
Q Do you want to be identified with her now as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

Jake M. Malone-----2.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rachel Brashears.
- Q Was she your grandmother? A Yes sir.
- Q Was she your mother Nancy's mother? A Yes sir.
- Q How much Choctaw blood did she have? A I suppose one half.
- Q Did she live in Mississippi in 1830, and have a family there then? A I dont know.
- Q Did she live in Alabama then? A I dont know.
- Q Did she ever live in the old Choctaw Nation either in Mississippi or Alabama? A I dont know that.
- Q Did she go to the United states Indian agent, Colonel Ward, within six months after the treaty of 1830 was ratified and attempt to register under article 14 of that treaty, or register under it? A I know nothing of it if she did.
- Q Did she live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory, to the Choctaw Nation, Indian Territory? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 for the purpose of making a home or residence in the Choctaw Nation, Indian Territory? A Not that I know of?
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go before a commission appointed in 1837 or before a commission appointed in 1842, which commissions were appointed by various acts of congress to hear claimants who stated that they had gone before Colonel Ward and attempted to register under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed because their rights were denied them under article 14 of that treaty when they

Jake M. Malone-----3

attempted to register, and also because their land had been taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of eighteen hundred and thirty, and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Did any of your Choctaw ancestors comply in any way with article 14 of the treaty of eighteen hundred and thirty?
A As far as I know they didn't.
Q Do you understand or speak the Choctaw language? A No sir.

30 days time is allowed this applicant for the introduction of other proof in this case.

- Q Do you want to have your case considered in connection with the case of Joseph Crouch? A Yes sir.
Q What relation is he to you? A I am his uncle.

The case of Joseph Crouch, et al., M C R 6468, is here referred to for the purpose of consolidation.

By Harry L. Person, attorney for applicant:

- Q Do you know whether your father or mother ever resided in Mississippi or Alabama? A I have heard my father say they lived in both places.
Q That was how long ago? A Before they come to Texas.
Q You have no knowledge in regard to your family back there at all? A Not at all.
Q Could your mother read and write? A I never heard her read and never seen her write.

By the Commission:

- Q Did your mother speak or understand the Choctaw language? A No sir.
Q Did you know Rachel Brashear, your grandmother? A No sir.

This applicant has medium dark complexion, dark brown hair, now somewhat gray, dark brown eyes, mustache is also gray; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on February 13, 1903, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 18 day of February, 1903.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, July 22, 1904.

Jake M. Malone,

Marshall, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Grouch et al., including you and Effie A. Malone.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-6706.

Muskogee, Indian Territory, March 19, 1907.

Jake M. Malone,
Marshall, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

6706

No.

6706

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name *Jake M. Malone*

Age *54 -* Blood *1/8*

Post Office, *Marshall, Texas*

Father: *Siles B. Malone, d*

Mother: *Nancy " d*

Claims through *Mother 1/4*

Wife,

Matthie B. Malone, w.l.

No claim for wife.

Children:

Effie A. Malone, 19

*Claims for self
and 1 child*

Stenographer *W. H. Martin*

FOR IDENTIFICATION AS
CHICKASAW

Jake M. Malone et

APPROVED BY SECRETARY OF INTERIOR. FEB 1907

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
1907

FOR THE CHICKASAW NATION
1907

DEPARTMENT OF THE INTERIOR
ATTORNEY GENERAL
CHICKASAW NATION

FILED

Choctaw MCR 6707

Brazilla Phillips

MCR 6707

#6707.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory?
February 13, 1903.

In the matter of the application of Brazilla Phillips for
the identification of herself as a Mississippi Choctaw.

A. B. and Harry L. Person, attorneys for Applicant.

Brazilla Phillips being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Brazilla Phillips.
Q What is your age? A 58.
Q What is your post office address? A Dallas, Texas.
Q Have you always lived in Texas? A Since I was quite small.
Q Where were you born? A Mississippi.
Q And from there you went to Texas? A Yes sir.
Q How long have you lived in Dallas? A About fifteen years.
Q Where in Mississippi were you born? A As well as I remember
in Pontotoc County.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Giles B. Malone.
Q What was your mother's name? A Nancy Malone.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood have you? A One eighth.
Q Your mother was one quarter? A One quarter.
Q Did she claim through her mother? A Yes sir.
Q Was her mother one half? A Yes sir.
Q What was her mother's name? A Rachel Brashears.
Q You claim through your grandmother, Raheal Brashears? A
Yes sir.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the United States authorities in the Indian
Territory? A Not that we know of.
Q Is your husband living? A Yes sir.
Q What is his race? A White.
Q You don't make any claim for him? A No sir.
Q What is his name? A J. B. Phillips.
Q What does the "J" stand for? A John.
Q You make application for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir, I guess not.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Terri-
tory? A Never before.
Q Have you ever made any such application to the Dawes Commission
under the act of Congress of June 10, 1896? A No sir.
Q Do you come before the commission now to identify yourself
as a Mississippi Choctaw, claiming under Article 14 of the
treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

It is as follows:

Braxill a Phillips-----2.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article? A I don't know whether they did or not.
- Q How old would Rachel Brashears^m your grandmother, be if living today? A I couldn't tell you.
- Q Where was she born? A I couldn't tell you that.
- Q When was she born? A I couldn't tell you that.
- Q When and where did she die? A I couldn't tell you that.
- Q Do you know whether she attempted to register under article 14 of the treaty of 1830 by making application to Colonel William Ward, the agent, within six months after the ratification of the treaty of 1830? A No sir, I don't know.
- Q Did she live in Mississippi or Alabama and have a family there in 1830? A Why, I think she was.
- Q Have you heard so in the family? A I have heard so.
- Q In Alabama or Mississippi? A I don't know which one; one or the other of them.
- Q Did she live on land in the old Choctaw Nation in Mississippi or Alabama for five years and then get a patent from the government for that land under article 14 of the treaty of 1830? A I think she had land.
- Q You don't know whether she got it from the government or not? A No sir.
- Q Or whether she had a patent from the government for it? A No sir.
- Q Do you know whether she claimed that land, and took it under article 14 of the treaty of 1830? A No sir, I couldn't tell you anything about that.
- Q Did she go from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today, or did any other Choctaw ancestor of yours, for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.
- Q Do you know whether any of them owned any improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 and also in 1842 by various acts of Congress commissions were appointed which went to Mississippi and heard Indians who claimed they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and attempted to register under article 14 of that treaty, but that Colonel Ward, the agent, had refused to register them, and because of his refusal their lands were taken from them and sold by the government at its public land sales.

Brazilla Phillips-----3

- Q Do you know if any of your Choctaw ancestors claimed any rights under article 14 of that treaty before either of these two commissions? A No sir.

In 1842 by an act of congress approved August 23rd of that year scrip or certificates were issued to Indians who proved their rights under article 14 of the treaty of 1830, and also proved that the government had taken their land from them in the old Choctaw Nation and sold it at its public land sales.

- Q Do you know if any of your Choctaw ancestors received any of this scrip which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.
Q Do you understand or speak the Choctaw language? A No sir.

Thirty days time is allowed this applicant from the date hereof within which to offer other evidence in support of this applicant, if she desires to do so.

- Q Do you want to have your case considered with the case of Joseph Crouch and others? A Yes sir.

The case of Joseph Crouch, et al., M C R 6468, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, medium dark complexion, dark brown eyes; her hair shows some traces of gray, and is nearly black. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 18 day of February, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 6707

COPY.

Muskogee, Indian Territory, July 22, 1904.

Brazilla Phillips,

Dallas, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles,

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MOR-6707.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22, 1907.

Brasilla Phillips,
Dallas, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1906, refusing the applications for the identification as ~~Muskogee~~ Choctaws of the several persons included in the ~~connected~~ case of Susan Crouch et al.

Respectfully,



Commissioner.

6707

No.

6707

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name

Brazilla Phillips

Age 55.

Blood

1/8

Post Office,

Dallas, Texas.

Father:

Giles B. Malone d

Mother:

Nancy "

d.

Claims through

mother $\frac{1}{4}$

Husband

J. D. Phillips - l. w

No claim for husband

Children:

Claims for my
alone

Stenographer F. N. Martin

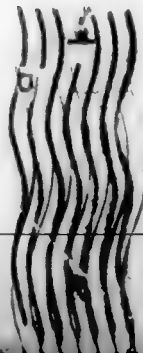


DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED
APR 20 1901

A handwritten signature, likely of the Commissioner, written in ink over the "FILED" and "APR 20 1901" text.

Commissioner,



Department of the Interior.

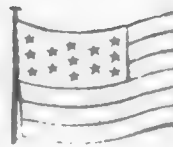
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

4/22

6707

Brazilla Phillips,
Dallas, Texas.



FOR IDENTIFICATION AND
A MISSISSIPPI CHOCTAW

Brazilla Phillips

DEC 1 1906

RECEIVED BY FORWARDING

APPLICANT
JAN 19 1907

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RECEIVED BY FORWARDING
JAN 19 1907

RECEIVED BY SECRETARY OF INTERIOR FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT. MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY FOR APPLICANT. MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY FOR APPLICANT. MAR 19 1907

REFUSED

Choctaw MCR 6708

George B. Harrison

MCR 6708

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of George B. Harrison,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

George B. Harrison, et al.,	M.C.R. 6708
Mattie E. Holder, et al.,	M.C.R. 6696
Cynthia J. Weasel, et al.,	M.C.R. 6697
Annie N. Hubbard, et al.,	M.C.R. 6709
Asa Harrison, et al.,	M.C.R. 6698

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of George B. Harrison, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of marriage record as between G. B. Harrison and Minnie Kennedy-----	6
Certified copy of marriage record between Moses Harrison and Mary Jane Hubbard-----	7
Original application of Mattie E. Holder, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	8
Affidavit of Mrs. Mattie E. Holder-----	14
Original application of Cynthia J. Weasel, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	15

Affidavit of Mrs. C. J. Weasel-----	20
Original application of Annie N. Hubbard, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	21
Original application of Asa Harrison, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	25
Affidavit of Asa Harrison-----	29
Marriage record as between Asa Harrison and Clara Cruikshank-----	30
Decision of the Commission refusing the applica- tions in the consolidated case of George B. Harrison, et al., for identification as Mississippi Choctaws----	31.

#6708.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of George B. Harrison
for the identification of himself and his three minor children,
Roy B., Maud E., and George B. Harrison, as Mississippi Choctaws.

E. S. Johnson, attorney for applicants.

George B. Harrison being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George B. Harrison.
Q What is your age? A Forty-two.
Q What is your post office address? A Marshall, Texas.
Q How long have you lived in Texas? A About four months.
Q Where before that? A Lived in Louisiana before I went to Texas.
Q How long in Louisiana? A Fourteen years.
Q Where did you live before that? A In Mississippi.
Q Where were you born? A In Mississippi.
Q What place in Mississippi? A Iuka.
Q And lived in Mississippi how long? A After I was born until I was four years old.
Q And then went where? A To Illinois.
Q From there where? A To Missouri.
Q Then where? A Back to Mississippi.
Q Then where? A To Louisiana.
Q And when you got into Louisiana about how old were you? A About 28 years old.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A MY father.
Q What was his name? A Moses P. Harrison.
Q What is your mother's name? A Mary Jane Harrison.
Q How much Choctaw blood do you claim? A One eighth.
Q Your father was one quarter? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I suppose not.
Q Did he ever live in the Choctaw Nation, Indian Territory? A He was here sometime in about '49 or '50.
Q About how long was he here? A I don't know; I just heard him say he had been here prospecting.
Q Where did he come from to this country? A From Mississippi I think.
Q And stayed here a little while? A Yes sir.
Q He was here prospecting? A Yes sir.
Q And then went where; he went out of the nation? A Yes sir.
Q He must have went back to Mississippi, - Mississippi or Arkansas; he lived on the river there.
Q Where did he die? A IN Iuka, Mississippi.
Q And with the exception of a short time he was in the Choctaw Nation prospecting he was not a resident of the Choctaw Nation?

Geo B Harrison-----2

- A No sir.
- Q Is your wife living? A Yes sir.
- Q What is her race? A White.
- Q Do you make any claim for her? A No sir.
- Q What is her name? A Minnie Harrison.
- Q Have you any children you want to make application for? A Yes sir, three.
- Q What is the name of the oldest? A Roy B. Harrison.
- Q How old is Roy? A 11.
- Q The next? A Maud B. Harrison.
- Q How old is Maud? A 8.
- Q What is the name of the next? A George B. Harrison.
- Q How old? A 5.
- Q You claim for yourself and these three minor children? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.
- Q Is Minnie Harrison the mother of these three children? A Yes sir.
- Q When and where were you married to her? A I was married in Pocahontas, Tennessee.
- Q By a Minister under a license? A Yes sir.
- Q What date? A 7th of April, 1889.
- Q Have you the proof of your marriage with you now? A NO sir.

By Mr Johnson, attorney for applicant: We desire to file it.

By the Commission:

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q You understand that article do you not? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

Geo B Harrison-----3

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty or not? A Why, my grandmother did I think-- great grandmother.
- Q What was your great grandmother's name? A Mary Harrison.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q What was her husband's name? A I dont recollect his name.
- Q That was her married name? A Yes sir.
- Q Was her husband a white man? A Yes sir.
- Q Had no Choctaw blood? A No sir.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A Thats my understanding; she owned land there.
- Q Did she claim that land under article 14 of the treaty of 1830? A Yes sir, thats the way I understand it.
- Q Did she get a patent from the government for that land after living on it for five years in the old Choctaw Nation? A I dont know.
- Q Where was that land located? A I dont know that.
- Q Was it in Mississippi or Alabama? A My understanding is it was in Mississippiand
- Q You dont know how much land there was? A No sir.
- Q What became of it, do you know? A NO sir, I dont.
- Q Do you know whether she bought it or not? A No sir, I dont; all I know my father said that he was entitled to land through her., back in the old nation.
- Q That was your great grandmother? A Yes sir.
- Q And you claim through your father? A Yes sir.
- Q I presume he claimed through his father? A Yes sir.
- Q He would be your grandfather? A Yes sir.
- Q George Washington Harrison.
- Q and he claimed through whom? A Moses P. Harrison was my father; George Washington Harrison was my grandfather, and Mary Harrison was the mother of George Washington Harrison.
- Q Now, Mary Harrison, the mother of George Washington Harrison, you say you think lived in the old Choctaw Nation and lived upon land there? A Yes sir.
- Q But you do not know whether she got it from the government under article 14, do you? A She got it about that time.
- Q About what time? A Between 1830 and 1832 in there.
- Q Do you know howlong she lived on it? A No sir, I dont.
- Q Or if any deed or patent was granted for it what became of that patent? A No sir.
- Q You dont know much about that part of the record or history? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, between the ratification of the treaty of 1830 and the date of t his application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, I dont.
- Q Exception you say your father was here? A He was here, but he was not here on that business I suppose.
- Q He came here simply to prospect? A Yes sir; he was here twice.
- Q Do you remember what times he was in the Choctaw Nation? A Well, then was here with a prospecting party; they went to Texas and came through the nation.
- Q That was a good while before the second time he came? A Yes sir; that was about 1872 or 3.
- Q And then the other time was when? A I have heard him say he was in this country between 1882 and 1889, along there.

Geo B Harrison-----4.

- Q And then in 1872 or 3? A Yes sir.
Q How long did he stay the second time? A They was only gone about six weeks.
Q Then he went where? A Back to Missouri.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know/

By MR. JOHNSON, attorney for applicant: We will claim that Mary Harrison did own improvements on forty acres of land in 1830; that is what we expect to show.

By the Commission to attorney: That is what you expect to establish by filing other evidence? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other proof if he desires to do so in support of this claim.

To applicant:

- Q Did you ever hear that Mary Harrison or other Choctaw ancestors of yours went before a commission appointed by act of congress in 1837 or before a commission appointed by act of congress in 1842 and claimed any rights under article 14 of the treaty of 1830? A No sir.

These commissions were appointed to hear the complaints of Choctaw Indians who stated that they had tried to register under article 14 of the treaty of 1830 within the six months time limited in that article, but that Colonel Ward, the United States Indian agent, refused to allow them to register, and because of his refusal the land which they occupied in the old Choctaw Nation was taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had formerly occupied in the old Choctaw Nation and which the government had taken from them and sold? A No sir, not that I know of.
Q Do you speak or understand the Choctaw language? A No sir.

By Mr Johnson:

- Q Did your father speak the Choctaw language? A Yes sir.
Q Your grandfather, or do you know? A I dont know whether he did or not; I suppose he did.

By the Commission:

- Q What relation is Mattie E. Holder to you? A Sister.

The case of Mattie E. Holder, M C R 6696, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, ruddy complexion, brown eyes; he has no knowledge of

Geo B Harrison-----5.

the Choctaw language. His knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830 is based on family history and tradition.

W. H. Marian being duly sworn on oath states that as stenographer to the commission to the five civilized tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Marian

Subscribed and sworn to before me this February 18 1903.

Charles H Sawyer
Notary Public.

SH

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-e0o-

In the matter of the application of George B. Harrison,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

George B. Harrison, et al.,	M.C.R. 6708
Mattie E. Holder, et al.,	M.C.R. 6696
Cynthia J. Weasel, et al.,	M.C.R. 6697
Annie E. Hubbard, et al.,	M.C.R. 6709
Asa Harrison, et al.,	M.C.R. 6698

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws was made to this Commission
by George B. Harrison for himself, and his three minor children,
Roy B., Maud E. and George B. Harrison, Jr.; by Mattie E. Holder
for herself and her four minor children, Eugene, Herman, Frank P.
and Jerome Holder; by Cynthia J. Weasel for herself and her two
minor children, Ivy M. and Hans Hubbard; by Annie E. Hubbard for
herself and her four minor children, Ira R., Pierce, Claud and
Gladys Hubbard; and by Asa Harrison for himself and his minor child,
Asa Harrison, Jr., under the following provision of the act of Con-
gress approved June 28, 1906 (34 Stat., 495):

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of George B. Harrison,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

George B. Harrison, et al.,	M.C.R. 6708
Mattie E. Holder, et al.,	M.C.R. 6696
Cynthia J. Weasel, et al.,	M.C.R. 6697
Annie E. Hubbard, et al.,	M.C.R. 6709
Asa Harrison, et al.,	M.C.R. 6698

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws was made to this Commission by George B. Harrison for himself, and his three minor children, Roy H., Maud E. and George B. Harrison, Jr.; by Mattie E. Holder for herself and her four minor children, Eugene, Herman, Frank P. and Jerome Holder; by Cynthia J. Weasel for herself and her two minor children, Ivy M. and Hans Hubbard; by Annie E. Hubbard for herself and her four minor children, Ira R., Pierce, Uland and Gladys Hubbard; and by Asa Harrison for himself and his minor child, Asa Harrison, Jr., under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Harrison, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Mary Harrison appears on page 108 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth

article of said treaty. The name Mary Harrison is also found on page 137 of said record in "a list of claims allowed under the treaty in Greenwood Leflore's District" under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provision.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Harrison, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George B. Harrison, Roy B. Harrison, Maud B. Harrison, George B. Harrison, Jr., Mattie E. Holder, Eugene Holder, Herman Holder, Frank P. Holder, Jerome Holder, Cynthia J. Weasel, Ivy M. Hubbard, Hans Hubbard, Annie M. Hubbard, Ira R. Hubbard, Pierce Hubbard, Claud Hubbard, Gladys Hubbard, Asa Harrison and Ann Harrison, Jr., as

Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamc Bixby.

Chairman.

(SIGNED)

T. B. Noodles.

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 6708

Muskogee, Indian Territory, March 19, 1903.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing certified copy of marriage license between Moses Harrison and Mary Jane Hubbard; also certified copy of marriage license between G. B. Harrison and Minnie Kennedy, offered in support of the application made by George B. Harrison for the identification of himself and minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Chairman.

M C R 6708

COPY.

Muskogee, Indian Territory, April 7, 1904.

George B. Harrison,
Marshall, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison, et al., including you and your children Roy B. Harrison, Maud E. Harrison and George B. Harrison Jr.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. P. Needles.

Commissioner in Charge.

Registered.

M C R 6708

COPY.

Muskogee, Indian Territory, April 7, 1904.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison, et al., which embraces the following cases:

George B. Harrison, et al.,	M C R 6708
Mattie E. Holder, et al.,	M C R 6696
Cynthia J. Weasel, et al.,	M C R 6697
Annie M. Hubbard, et al.,	M C R 6709
Asa Harrison, et al.,	M C R 6698

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

M C R 6708
COPY!

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles

Enc MCR-6706

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of George B. Harrison et al., applicants to the Commission for identification as Mississippi Cheetaws, including the decision of the Commission of March 15, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

George B. Harrison et al.,	M.C.R. 6708
Mattie E. Holder et al.,	M.C.R. 6696
Cynthia J. Weasel et al.,	M.C.R. 6697
Annie N. Hubbard et al.,	M.C.R. 6709
Ass Harrison et al.,	M.C.R. 6698.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Cheetaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6708.

(COPY)

J. W. H.

DEPARTMENT OF THE INTERIOR,

Washington.

FHE

I. T. D. 4192-1904.

June 14, 1904.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 23, 1904, you transmitted the record in the matter of the application of George B. Harrison (M. C. R. 6708), et al., for identification as Mississippi Choctaws, with your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter May 21, 1904, the Acting Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation; your decision is accordingly affirmed.

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure.

(COPY)

LAND.

28387-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of George B. Harrison, for identification of himself and his three minor children, Roy B., Maud E. and George B. Harrison, Jr; by Mattie E. Holder for herself and her four minor children, Eugene, Herman, Frank P. and Jerome Holder; by Cynthia J. Weasel for herself and her two minor children, Ivy M. and Hans Hubbard; by Annie W. Hubbard for herself and her four minor children, Ira A., Pierce, Claud and Gladys Hubbard, and by Asa Harrison for himself and his minor child Asa Harrison, Jr., as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on March 15, 1904.

It appears from the record in this case that the parties base their claims to a right to identification as Mississippi Choctaws on their descent from Mary Harrison, who alleged to have been a full blood Choctaw Indian, who lived in the Choctaw Nation in Mississippi in 1830, and who is also claimed to have received land under the 14th article of the Choctaw treaty of that year. As to how much land there was which she received, or where it was located, the witnesses

are unable to state. Her son through whom the applicants claim descent was George Washington Harrison, and her grand son the father of the principal applicants, Moses P. Harrison.

The witnesses are unable to give the name of the husband of Mary Harrison.

The Commission refers to the fact that the name of Mary Harrison appears on page 108, volume 7, American state papers, public lands, in a list of names of Choctaw Indian heads of families who resided in Greenwood Leflore's district at the date of the making of the treaty of Dancing Rabbit Creek.

The Commission further says the name of Mary Harrison is also found on page 137 of the same volume, in a list of claims allowed under the treaty in Greenwood Leflore's district under the 19th article thereof.

It is true the name of Mary Harrison appears as is stated by the Commission, but no record is found in the office of the approval of a reservation to her under the 19th article of the Choctaw treaty, nor her having relinquished such land and been paid by the Government, nor her having sold any land with the approval of the President neither is there any record of any definite reservation having been designated as her reservation, under the provisions of that article under the Choctaw treaty.

However, the records of the office do show that in the year 1832 she was transported to the Choctaw Nation, Indian Territory by the United States Government; that she was a member of Thomas Hayes' company and there were in her family three male persons over ten and under twenty-five years of age, and one female over twenty-five and

under fifty, and that she had two male and one female slaves. It is also shown that rations were first issued to her in the Choctaw Nation west on the 11th of February, 1832. No record is found of her having applied for land under the 14th article of the Choctaw treaty, or having received any land under such article. In fact the date of her removal precluded her from claiming or receiving land under the 14th article.

It is therefore my judgement that the decision of the Commission rejecting the applications should be approved, because of the condition of the record as to Mary Harrison's status and since they claim that their ancestor, Mary Harrison continued to live in Mississippi and her children as well, it is evident the Mary Harrison to whom reference has been made could not have been their ancestor, Mary Harrison.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

EBH/LM

M.C.R. 6708

COPY.

Muskogee, Indian Territory, June 23, 1904.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Tame Bixby.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, June 28, 1904.

Manfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Jams Bixby.

Commissioner in Charge.

COMMISSIONERS
TAMS RIXBY
THOMAS P. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1728
REFER IN REPLY TO THE FOLLOWING

M.C.R. 6708

WM. O. BEAL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, June 23, 1904.

George B. Harrison,
Marshall, Texas,

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,



Commissioner in Charge.

REFER TO M. C. R. 5-11

Mary Harrison, f.b. D.

George Washington Harrison, D.

Moses P. Harrison, 1/4 D.

married

Mary Jane Hubbard, L

met
6708

George B. Harrison, 42 1/8

married

Minnie Kennedy, w L

met
6696

Mattie E. Harrison, 38 1/8

married

F. M. Holder, L w

met
6697

Cynthia J. Harrison, 36 1/8

married

① O. C. Hubbard, L w. Divorced

② W. M. Weasel, w L

met
6709

Annie N. Harrison, 30 1/8

married

Henry Hubbard, L w

met
6698

Asa Harrison, 28 1/8

married

Clara Cruikshank, L w

met
6708

Roy B. Harrison, 11

" Mand E. Harrison, 8

" George B. Harrison, 5

met
6696

Eugene Holder, 9

" Herman Holder, 5

" Frank P. Holder, 2

" Jerome Holder, 5 mos.

met
6697

Joy M. Hubbard, 16

" Hans Hubbard, 15

met
6709

Ira R. Hubbard, 11

Pierce Hubbard, 6

Claud Hubbard, 4

Gladys Hubbard, 1 1/2 mos.

met
6698

Asa Harrison Jr 5

6708

No.

6708

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name George B. Harrison

Age

42

Blood

1/8

Post Office,

Marshall, Tex.

Father: Moses P. Harrison, d.

Mother: Mary Jane " l.

Claims through

father 1/8

wife:

Minnie Harrison, l. w

No claim for wife.

Children:

Roy B. Harrison, 11

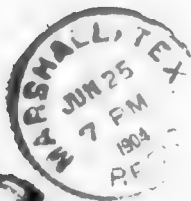
Maud E. " 8

George B. " 5

Claims for self
and 3 minors

Stenographer

W. H. Martin



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 2 1904

A handwritten signature in ink, likely of the Chairman, written over the "FILED" and "AUG 2 1904" text.

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

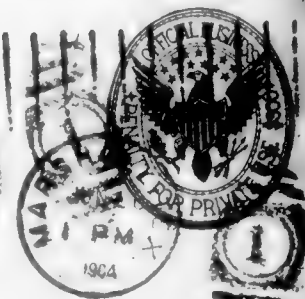
mc
6708

7/27



George B. Harrison,
Returned to Writer,
Unclassified as
Marshall, Texas.

Returned to Writer,
Unclassified as
Marshall, Texas.



IDENTIFICATION AND R. 6708
MISSISSIPPI CHOCTAW

George B. Harrison et al

APR 1904

RECORDS OF THE DEPARTMENT.

**ACTION APPROVED BY
SECRETARY OF INTERIOR**

JUN 11 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS

JUN 23 1904

REFUSED.

Choctaw MCR 6709

Annie N. Hubbard

MCR 6709

#6709.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Annie N. Hubbard for the identification of herself and her four minor children, Ira R., Pierce, Claud, and Gladys Hubbard, as Mississippi Choctaws.

B. S. Johnson, attorney for applicants/

Annie N. Hubbard being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Annie N. Hubbard.
Q What is your age? A Thirty.
Q What is your post office address? A Brandon, Texas.
Q Have you lived in Brandon long? A No sir, about a year.
Q Where did you live before that? A Close to Massey.
Q How long have you lived in Texas? A About ten years.
Q Where were you born? In Missouri.
Q Where in Missouri? A Marble Hill.
Q And from Missouri you went where? Mississippi.
Q Where in Mississippi did you live? In Iuka.
Q How long? About ten years.
Q And from there you went where? Texas.
Q And have been in Texas since? A Yes sir.
Q About a year? A No sir, about ten years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Moses P. Harrison.
Q What is your mother's name? A Mary J. Harrison.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Or by the United States authorities? A No sir.
Q Was he one quarter Choctaw? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A Henry Hubbard.
Q He is a white man and living? A Yes sir.
Q You don't make any claim for him as a Choctaw Indian? Q No sir.
Q How many children have you? A Four.
Q What is the name of the oldest? A Ira R. Hubbard.
Q How old is Ira? A 11.
Q The next? A Pierce.
Q How old? A 6.
Q What is the name of the next child? A Claud.
Q How old is Claud? A 4.
Q The next? A Gladys.
Q How old? 14 months.
Q Is Gladys the only girl of these children? A Yes sir.
Q You claim for yourself and these 4 children? A Yes sir.
Q Is your name on any of the tribal rolls of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A no sir.
Q Is your husband Henry Hubbard the father of these children? A yes sir.

Annie N. Hubbard-----2.

- Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for Citizenship in the Choctaw Nation for yourself and children, either to the Choctaw tribal authorities, or to the Dawes Commission under the act of congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q This is your first application is it of any kind for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you understand that article? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I mean going back as far as you can? A Mary Harrison.
- Q What relation was she to you? A Great grandmother.
- Q Was she a full blood Choctaw Indian? A Yes sir.
- Q Did she live in Mississippi in 1830 or in Alabama at that time? A She lived in Mississippi I think.
- Q Did she have a family there then? A Yes sir.
- Q That was her married name? A Yes sir.
- Q What was her husband's name? A I don't know.
- Q Can you tell who her father and mother were? A No sir.
- Q Are you able to go back further than Mary Harrison? A No sir.
- Q Did she have a Choctaw Indian name or speak the Choctaw language? A I suppose she could, I don't know.
- Q You don't know about the name? A No sir.
- Q You claim through your father, Moses P. Harrison? A Yes sir.
- Q He claimed through whom? A His father.
- Q His father's name was George Washington Harrison? A Yes sir.
- Q Did George Washington Harrison ever live in Mississippi or Alabama?

Annie N. Hubbard-----3

- A I think he lived in Mississippi.
- Q He claimed through his mother, Mary Harrison? A Yes sir.
- Q How old would he be if living now? A I dont know.
- Q You dont know how old Mary Harrison would be if l living now?
A No sir.
- Q Do you know when and where she was born? A No sir.
- Q Nor when and where she died? A No sir.
- Q Did she go before Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A Not that I know of.
- Q Did she live on land in the old Choctaw nation either in Mississippi or Alabama, for five years after the ratification of the treaty of 1830, and then get a patent for that land from the government under article 14 of the treaty of 1830, for that land? A I dont know.
- Q You never heard anything about a patent? A No sir.
- Q Did she claim any land in the old Choctaw nation in 1830 or 1831? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40, for the purpose of acquiring a residence in the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Did any go at any time ~~between~~ between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir, not that I know of.
- Q Did your father, Moses P. Harrison, at one time or at different times come to the Choctaw nation, Indian Territory? A Yes sir, he has been here a time or two.
- Q But not for the purpose of living here? A No sir.
- Q Came in and went out? A Yes sir.
- Q Do you know what times he came to the Choctaw Nation? A I think first about 1840.
- Q And then did he go out directly afterwards? A Yes sir.
- Q What did he come for? A Prospecting.
- Q Did he go back to Mississippi, Missouri, or where? A I think he went back to Mississippi.
- Q Now when was the second time that he went to the Choctaw Nation? A It was about 1872 or '3.
- Q How long did he stay that time? A Just a very short time.
- Q Less than a year? A Yes sir.
- Q Was he prospecting then? A Yes sir.
- Q Where did he go to when he left the second time? A To Missouri.
- Q Did he die in Missouri? A No sir, he died in Mississippi.
- Q He never did live in the Choctaw Nation, Indian Territory, after that? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830 or 1831? A I dont know.
- Q Did any of them go before a commission appointed by act of congress approved March 3rd, 1837, or before a commission appointed by act of congress approved August 23rd, 1842, and claim any benefits under 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed by various acts of congress to hear the complaints of Indians who stated that they had attempted to register under article 14 of the treaty of 1830 within six months after the ratification of the treaty of

Annie N Hubbard-----4

1830, but that colonel Ward, the United States Indian Agent, had refused to allow them to register, and because of his refusal their land had been taken from them by the government and sold at its public land sales. It was for the purpose of righting these wrongs done the Indians that these Commission were appointed.

- Q You dont know whether any of your Choctaw ancestors went before either of them? A No sir.
- Q Do you know whether any of your Choctaw ancestors received any scrip from the government, issued under an act of congress approved August 23rd, 1842, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I dont know.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is Mattie E. Holder your sister? A Yes sir.
- Q You want to have your case considered, I suppose, under the head of your sister, Mattie E. Holder? A Yes sir.

That case is referred to for the purpose of consolidation, M C R 6696.

30 days time is allowed this applicant for the purpose of the introduction of other proof in support of this claim which she makes for herself and children.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair, gray eyes, ruddy complexion; does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6709

Muskogee, Indian Territory, April 7, 1904.

Annie H. Hubbard,
Brandon, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison, et al., including you and your children Ira R. Hubbard, Pierce Hubbard, Claud Hubbard and Gladys Hubbard.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. B. Needles.

Commissioner in Charge.

Registered.

M.C.N. 6709

Muskogee, Indian Territory, June 23, 1904.

Annie N. Hubbard,

Branden, Texas,

Dear Madam:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George B. Harrison et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Tame Bixby

Commissioner in Charge.

6709

No.

6709

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 13 1903

Name Annie K. Hubbard

Age 30 - Blood 1/8

Post Office, Brandon, Tex.

Father: Moses P. Harrison, d.

Mother: Mary L. " l.

Claims through father 1/4

Husband.

Henry Hubbard, l. w.

No claim for husband

Children:

Ira R. Hubbard, 11

Pierce " 6

Claude " 4

Gladys " 14 m

Claims for self 2

4 m

Stenographer

W. H. Martin

R. 67

Annie N. Hubbard

DEC 5 1904

NOTICE OF

MAIL

1904

APR

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

REFUSED.

Choctaw MCR 6710

John W. Freeman

MCR 6710

#6710.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of John W. Freeman for the identification of himself and his five minor children, Malinda Ann, Nancy N., John William, James Thomas and Jasper Jackson Freeman, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

John W. Freeman being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John W. Freeman.
Q What is your age? A 50 years old.
Q What is your post office address? A Biggs, Missouri.
Q How long have you lived in Missouri? A I was born and raised there.
Q How long in Biggs? A About 6 years-- 5 years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Daniel Freeman.
Q What was your mother's name? A Sarah Tayler.
Q That was her maiden name? A Yes sir.
Q Afterwards Sarah Freeman? A Yes sir.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one quarter Choctaw blood? A That's what I have been told.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you now? A I have it at home; I haven't it with me.
Q Do you know when and where your father and mother were married? A No sir, I don't.
Q Were they married by a minister under a license? A No sir, there was no license them days.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q What is her name? A Julia Jane Freeman. Her maiden name was Jones.
Q Do you make any claim for your wife? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q How many? A Five.
Q What is the name of the oldest under age and unmarried? A Malinda Ann Freeman.
Q How old is she? A Twenty years old.

John W Freeman-----2

- Q What is the name of the next? A Nancy N. Freeman.
Q How old? A Sixteen.
Q The name of the next? A John William Freeman.
Q How old? A Twelve.
Q The next? A James Thomas Freeman.
Q How old is James? A Ten.
Q The next? A Jasper Jackson Freeman?
Q How old? A Five.
Q You claim for yourself and these five children? A Yes sir.
Q Is your wife, Julia J. Freeman, the mother of these children?
A Yes sir.
Q Are you and she living together as husband and wife and these
children living with you at your home? A Yes sir.
Q Have you the proof of your marriage with you here? A No sir.
Q Do you remember the day of the month and the year of your
marriage to your wife? A Married about the sixth day of
September-- been married 29 years.
Q Where were you married? A Douglas County, Missouri.
Q By a minister under a license? A Yes sir, by a minister,
no license.
Q Is your name or are the names of any of your children on any
of the tribal rolls of the Choctaw Nation in the Indian Terri-
tory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation for yourself and children to the Choctaw tribal author-
ities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission
for yourself and children under the act of congress of June 10,
1896? A No sir.
Q Have you or your children ever been admitted to citizenship
in the Choctaw Nation by either the Choctaw tribal authori-
ties, the Commission to the Five Civilized Tribes or the United
States court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and
your minor children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes
sir.
Q Do you understand that article? A I think I do.

The article itself is as follows:

"Each Choctaw head of a family being desirous to remain
and become a citizen of the states shall be permitted to do so
by signifying his intention to the agent within six months
from the ratification of this treaty, and he or she shall there-
upon be entitled to a reservation of one section of six hun-
dred and forty acres of land, to be bounded by sectional lines
of survey; in like manner shall be entitled to one half that
quantity for each unmarried child which is living with him
over ten years of age, and a quarter section to such child as
may be under ten years of age, to adjoin the location of the
parent. If they reside upon said lands intending to become
citizens of the states for five years after the ratification
of this treaty, in that case a grant in fee simple shall issue.
Said reservation shall include the present improvement of the
head of the family, or a portion of it. ~~Persons who claim~~
~~under this article shall not lose the privilege of a Choctaw~~
citizen, but if they ever remove are not to be entitled to any
portion of the Choctaw annuity".

- Q Do you know if any of your Choctaw ancestors complied or at-
tempted to comply with that article of that treaty? A

John W Freeman-----3

Well, I dont know.

- Q What I mean by that is did any of your ancestors 'way back try to register under that article, or comply with it? A I think my grandmother did.
- Q What was her name? A Alabeth Ball.
- Q Whom did she marry? A Aaron Freeman.
- Q She was your grandmother? A Yes sir.
- Q Was she your father's mother? A Yes sir, thats what I have been told.
- Q Was Aaron Freeman a white man? A No sir, he was a Choctaw.
- Q How much Choctaw blood did Aaron Freeman have? A Aaron Freeman was a white man.
- Q He had no Choctaw blood? A No.
- Q How much did Alabeth Ball or Freeman have? A One half blood is what I have been told.
- Q One half blood Choctaw? A Yes sir.
- Q Did Alabeth Freeman, nee Ball, live in Mississippi or Alabama at any time? A They lived in Mississippi I think.
- Q Did she live there in 1830 and have a family there then? A I dont know sir.
- Q Do you know whether she, within six months after the ratification of the treaty of 1830, went to Colonel Ward, the United States Indian agent, and register or attempt to register under article 14 of that treaty? A I dont know whether she did or not.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for a period of five years and at the end of that time get a patent from the government under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir, I dont know.
- Q Did any of them go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw nation, Indian Territory? A I dont know.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know that.

In 1837 by an act of congress approved March 3rd of that year, a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty; in 1842 by another act of congress approved August 23rd of that year, a second commission was appointed for the same purpose. These commissions went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of congress approved August 23rd, 1842, and was issued to those Choctaw Indians

John W Freeman-----4.

who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold by the government at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
Q What relation are you to John H. Bennight? A Cousin.
Q He claim through the same common ancestor through whom you claim, Alabeth Ball or Freeman? A Yes sir, Alabeth Ball or Freeman.
Q Do you want to have your case consolidated under his application? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation.

- Q Is John F. Turnbull a relative of yours? A Yes sir.
Q What relation to you? A Cousin.

The case of John F. Turnbull, M C R 6599, is also referred to in this connection.

30 days time is allowed this applicant in which to introduce other proof in support of this application.

By Mr Harrison, attorney for applicant:

- Q What have you heard about your grandmother trying to register in Mississippi in the early days to get land as a Choctaw Indian? A I heard that she went back at that time from---- I don't remember whether from North Carolina or South Carolina.
Q To do what? A Well, I don't know what she went back for.
Q Did you ever see your grandmother? A Yes sir.
Q What kind of a looking woman was she? A I was so small I couldn't tell you; I was only about two years old.
Q Do you know when and where she died? A In North Fork I think.
Q In the state of Missouri? A Yes sir.
Q Who told you about your grandmother going back to register in Mississippi; do you get it in your family? A No sir, I get it from Turnbull.
Q Is he not one of your relatives? A Yes sir, a cousin.
Q Then you get your information from conversations with members of your family connection? A Yes sir.
Q Did Turnbull undertake to tell you when she went back, or how long she stayed, or anything of that kind? A No sir, he did not tell me how long she stayed, but he said his understanding was she went back.
Q And that is the extent of your information? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, somewhat gray, mustache light brown, now a little gray, blue eyes, ruddy complexion; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory.

John W Freeman-----5.

ry, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

HN Motter

Subscribed and sworn to before me this 19 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6710
M C R 6720

Muskogee, Indian Territory, March 21, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing joint affidavit of Wm. R. Freeman and Daniel S. Freeman relative to the marriage of John W. Freeman to Julia Jones, offered in support of the application made by John W. Freeman for the identification of himself and minor children as Mississippi Choctaws.

Also the affidavits of William Jones, Isah Collins, Rachel J. Freeman, Nancy Eton, Alabeth Johnsen, Rachel Collins and John F. Turnbull, relative to the marriage of Daniel Freeman and Sarah Taylor, offered in support of the application of John W. Freeman, et al., for identification as Mississippi Choctaws.

Also the joint affidavit of Daniel S. Freeman and John W. Freeman, relative to the marriage of William R. Freeman and Delphia Adam, offered in support of the application made by William R. Freeman for the identification of himself and minor children

T & H 2

as Mississippi Choctaws.

The several affidavits, above mentioned, have been filed
in the respective cases.

Respectfully,

Chairman.

COPY.

M. C. R. 6710.

Muskogee, Indian Territory, June 15, 1904.

John W. Freeman,
Biggs, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Malinda Ann Freeman, Nancy H. Freeman, John William Freeman, James Thomas Freeman and Jasper Jackson Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R. 6710.

Muskogee, Indian Territory, May 8, 1905.

John W. Freeman,

Biggs, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6710

No. 3210

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name

John W. Freeman

Age

50

Blood

1/8

Post Office, Biggs, - Mo.

Father: Daniel Freeman, d

Mother: Sarah " d.

Claims through

father, 1/4
wife.Julia J. Freeman, l. w.
No claim for wife -

Children:

Malinda A. Freeman, 20

Nancy W. " 16

John W. " 12

James D. " 10

~~Thomas S.~~ " 5

Jasper J. " 5

Claims for self &
5 minors

Stenographer

W. H. Martin -

John W. Freeman &

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER J. M. C. R.

6255

Choctaw MCR 6711

Jane Houchins

MCR 6711

#6711.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Jane Houchins for the identification of herself, and her two minor children, Delia and Malinda P. Houchins, as Mississippi Choctaws.

Thomas A. Harrison, attorneys for applicants.

Jane Houchins being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jane Houchins.
Q What is your age? A Twenty-three.
Q What is your post office address? A Biggs, Missouri.
Q Have you always lived in Missouri? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John W. Freeman.
Q What is your mother's name? A Julia J. Freeman.
Q You claim your Choctaw blood through your father? A Yes sir.
Q How much do you claim? A One sixteenth.
Q Does your father claim one eighth Choctaw blood? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q He has made application today to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you know when he was married and where? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q What is his name? A Jasper Houchins.
Q How many children have you? A Two.
Q What is the name of the oldest child? A Delia.
Q How old is Delia? A Three years old.
Q What is the name of the next? A Malinda P. Houchins.
Q How old? A One year old.
Q Is Jasper Houchins the father of these two children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal Authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.

Jane Houchins-----2

- Q Do you come before the Commission now to identify yourself and your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim the right to identify yourself and children under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A No sir.
- Q You dont know, do you, whether they did or not? A No sir.
- Q What is the name of your ancestor that you claim your right to be identified through now? A Grandma.
- Q Your grandmother or great grandmother? A Great grandmother.
- Q What was her name? A Adement.
- Q What did you say? A I cant call it.
- Q You cant call it; try once more now? A Adement, Alabeth, or something.
- Q Well, that was her Christian name was it not; what was her name before she married? A I dont know.
- Q Whom did she marry? A Dadel Freeman.
- Q Are you sure that is right now? A No sir.
- Q Do you know whom she married? A No sir.
- Q How much Choctaw blood, if any, did she have? A I dont know.
- Q Was that your great grandmother or your grandmother? A My great grandmother.
- Q Was her husband a white man, or dont you know? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A No sir.
- Q Did she ever live in the state of Mississippi or Alabama? A No sir.
- Q Did she or any other Choctaw ancestor of yours within six months after the treaty of 1830 was ratified go to the United States Indian agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, the land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent for that land from the government under article 14 of the treaty of 1830? A No sir.

Jane Heuchins-----3

- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A No sir.
- Q In answering these questions you have stated positively "No"; do you mean to say "No", or that you don't know? A Yes sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q When you said "No" in answer to the question whether your great grandmother or any Choctaw ancestor of yours lived on land for five years in Mississippi or claimed any land under article 14 you intended to say that you didn't know? A Yes sir, I don't know.
- Q Now, do you know whether any of your Choctaw ancestors went before a commission appointed by act of Congress approved March 3rd, 1837, or before a commission appointed by act of Congress approved August 23rd, 1842, and claimed any benefits under article 14 of the treaty of 1830? A I don't know.

These commissions were appointed because of the complaints made by Choctaw Indians that they had tried to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to accept their names for registration, and because of his refusal their land had been taken from them in the old Choctaw Nation and sold by the Government.

- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which were issued under an act of Congress approved August 23rd, 1842? A I don't know.

This scrip was issued to Indian who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation is John H. Bennight or Bennett to you? A I don't know.
- Q Did you ever hear that any such person was related to you? (No response)
- Q Have you any such relative as that? A I don't know.
- Q Is John W. Freeman, who made application to be identified as a Mississippi Choctaw today, your father? A Yes sir.
- Q He claimed relationship with John H. Bennight, and if he is related to him you are too, are you not? A Yes sir.

The case of John W. Freeman, et al., M C R 6710, being the father of this applicant, is referred to here. In said application John W. Freeman, the applicant, claimed relationship with John H. Bennight, M C R 6255, and referred to that application for the purpose of consolidation. He also refers to the case of John F. Turnbull, M C R 6399. These two cases are referred to in this case, as this applicant is the daughter of John W. Freeman, M C R 6710.

Jane Houchins-----4

This applicant is allowed thirty days time from the date hereof within which to introduce other proof in this case.

By Mr Harrison, attorney for applicant:

Q What was your grandfather's name, your father's father? A Daniel.

Q You stated a few moments ago that your great grandfather was named Daniel; did you mean that that was his name or was that your grandfather's name? A My grandfather.

Q Do you remember who your great grandfather was? A No sir.

Q You stated that your great grandmother did not live in Mississippi in 1830; did you mean to state that as a fact, or did you mean to say that you did not know she lived there in 1830? A I don't know that she did.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; ruddy complexion; brown eyes; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of February, 1903.

Charles W. Sawyer

Notary Public.

M C R
6712 6711
6718 6839

Muskogee, Indian Territory, May 23, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Wilson and Ella Freeman, offered in support of the Mississippi Choctaw case of Ella P. Wilson.

Marriage certificate of Jasper Houchins and Jane Freeman, offered in support of the Mississippi Choctaw case of Jane Houchins et al.

Joint affidavit of John W. Freeman and Wm. R. Freeman offered in support of the Mississippi Choctaw case of Drucilla Freeman, et al.

Millie Ann Ledford
Copy of marriage certificate between Henry C. Ledford and ~~Millie Ann Ledford~~, offered in support of the Mississippi Choctaw case of Millie Ann Ledford, et al.

Said papers have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M. C. R. 6711.

Muskegee, Indian Territory, June 15, 1904.

Jane Houchins,

Biggs, Missouri,

Dear Madam;

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children Dalia Houchins and Malinda Houchins.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

M.C.R. 6711.

Muskogee, Indian Territory, May 8, 1905.

Jane Houshins,

Biggs, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6711

No.

6711

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name Jane Houchins

Age 23 - Blood 1/16

Post Office, Biggs, - Mo.

Father: John W. Freeman, l.

Mother: Julia J. " l.

Claims through father 1/8

Husband.

Jasper Houchins. l. w
No claim for husband

Children:

Olivia Houchins, 3
Malinda P. " 1

Claims for self 2.
2 minors.

Stenographer

W. H. Martin

NOTICE

DEPARTMENT.

AC

Choctaw MCR 6712

Olla P. Wilson

MCR 6712

#6712.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Ella P. Wilson for
the identification of herself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Ella P. Wilson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella P. Wilson.
Q What is your age? A 18.
Q What is your post office address? A Biggs, Douglas County,
Missouri.
Q Have you always lived in Missouri? A Yes sir.
Q Born and raised there? A Yes sir.
Q How long have you lived in Biggs? A I have lived right there
always.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John W. Freeman.
Q What is your mother's name? A Julia J. Freeman.
Q Do you claim your Choctaw blood through your father? A Yes
sir.
Q How much do you claim? A One sixteenth part.
Q Your father is one eighth Choctaw blood? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by
the Choctaw tribal authorities or the United States authorities
in the Indian Territory? A I don't know.
Q He never lived in the Indian Territory, did he? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What is your husband's name? A Charley W. Wilson.
Q Is he a white man? A Yes sir.
Q You don't claim for him as a Choctaw Indian? A No sir.
Q Do you know when and where your father and mother were mar-
ried? A No sir, I don't.
Q Have you any children you want to make application for? A
No sir, I haven't got any children.
Q Is your name on any of the tribal rolls of the Choctaw nation
in the Indian Territory? A I don't know.
Q You never lived in the Territory, did you? A No sir.
Q Never heard anything about being enrolled as a Choctaw Indian
did you? A Yes sir.
Q Well, you never heard that you were enrolled, did you? A
No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation either to the Choctaw tribal authorities or to the Dawes

Commission under the act of Congress of June 10, 1896? A I dont know.

Q Yes you do; you know whether you have ever made application or not, dont you; you never did make application did you before today? A No sir.

Q Nor anyone for you? A No sir, I didn't understand what you said.

Q You understand it now all right? A Yes sir; I cant hardly hear; I have had the ear ache for three weeks and cant hardly hear.

Q You never have been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q And now you make your first application to any authority and want to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A I dont understand?

Q Do you claim your right now under article 14 of the treaty of 1830, the same article that your sister claims under, and your father? A Yes sir.

Q Do you understand that article well enough to claim under it? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father.

Q Now go back as far as you can and give me the name of your ancestor who lived 75 or more years ago, if you can? A I dont know.

Q Did you never hear of your grandmother or your great grandmother? A Yes sir, I have heard them talk of them.

Q What was the name of your great grandmother? A Well, I dont know.

Q You claim through your father, John W. Freeman? A Yes sir. Do you know whether he claimed through his father or mother? A His father.

Ella P. Wilson-----3

- Q What was his father's name? A Daniel Freeman.
- Q What was Daniel Freeman's wife's name? A Sarah Freeman.
- Q Daniel Freeman had the Choctaw blood, did he? A Yes sir.
- Q Did Sarah have any? A No sir.
- Q Daniel Freeman claimed through which parent, father or mother? A Well, I dont know.
- Q You cant go back any further than Daniel? A No sir.
- Q And that would be your grandfather? A Yes sir.
- Q Did you ever hear that Daniel Freeman your grandfather or his father or mother ever lived in the state of Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then? A No sir, I dont know.
- Q Did Daniel Freeman ever live in Mississippi or Alabama? A I dont know.
- Q Did any Choctaw ancestor of yours go to the United States Indian agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and register or attempt to register under article 14 of that treaty? A I dont know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation in 1831 and thereafter for five years and then get a patent from the government for that land? A I dont know.
- Q Did any of them go from the Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Did any Choctaw ancestor of yours own any improvements on land in that old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or '40, at the expense of the government? A I dont know.
- Q Did you ever hear of a commission which heard claimants in Mississippi in 1837 or a commission which heard Mississippi Choctaw Indian claimants in 1842? A No sir.

These commissions were appointed by various acts of congress to hear Indians who were Choctaws and who claimed they had registered or attempted to register under article 14 of the treaty of 1830, but that Colonel Ward the Indian Agent had refused to allow them to register, and as a consequence of his refusal the government had taken their land in the old choctaw nation and sold it.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas? A I dont know.

This scrip was issued under an act of congress approved August 23rd, 1842, and was issued to those Choctaw Indian who proved their rights under article 14 and also proved that their lands had been taken from them in the old Choctaw Nation and sold.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Do you know what the Choctaw language is? (No response)
- Q Do you know whether it is different from the English language? A I dont know.

Ella P. Wilson-----4

Thirty days time is allowed this applicant for the introduction of ~~no~~ other proof in this case.

By Mr Harrison, attorney for applicant:

- Q Dont you know that the language that the Choctaw Indians speak and talk to one another in is different from the language that you and your father speak? A Yes sir.
- Q Then you were mistaken when you said "No" to the question as to that; did you ever hear of a person by the name of Alabeth Freeman? A Yes sir, I have heerd of her.
- Q Who was she? A My great grandmother.
- Q Who told you that? A I have heerd my father talk of it; I dont know it, but I have heerd him talk of it.
- Q Did you ever hear your father say whom she married, - who her husband was? A No sir.
- Q Did you ever hear your father or any of your kin folks say how much Choctaw blood Alabeth Freeman claimed? A I dont know.
- Q What else did your father tell you about your great grandmother? A Nothing.
- Q You mean to say that you dont remember anything else? A No sir, I dont remember.

By the Commission:

- Q Are you related to John H. Bennight? A I dont know.
- Q Are you related to John F. Turnbull? A Yes sir.
- Q What relation to him are you? A I dont know.
- Q But you know you are a relative of his? A Yes sir.

The case of John F. Turnbull, M C R 6599, is here referred to as a relative of this applicant.

- Q Your father is John W. Freeman? A Yes sir.
- Q He has made application today, has he not? A Yes sir.

The case of John W. Freeman, et al., M C R 6710, is here referred to; ~~for~~ the said applicant being the father of this applicant, and desires his case consolidated with that of John H. Bennight, et al., M C R 6255.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has light brown hair; medium light complexion; blue eyes. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of February, 1903/

Charles F. Sawyer

Notary Public.

M O R
6712 6711
6716 6839

Muskogee, Indian Territory, May 23, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Wilson and Ella Freeman, offered in support of the Mississippi Choctaw case of Ella P. Wilson.

Marriage certificate of Jasper Houchins and Jane Freeman, offered in support of the Mississippi Choctaw case of Jane Houchins et al.

Joint affidavit of John W. Freeman and Wm. H. Freeman offered in support of the Mississippi Choctaw case of Drucilla Freeman, et al.

Copy of marriage certificate between Henry C. Ledford and *Milly Ann Evans* offered in support of the Mississippi Choctaw case of Millie Ann Ledford, et al.

Said papers have been filed in the respective cases.

Respectfully,

Chairman.

OPYJ

M. C. R. 6712.

Muskogee, Indian Territory, June 15, 1904.

Ella P. Wilson,

Biggs, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~XXXXXX~~

Tame Dixie.

Chairman.

Registered.

M.C.R. 6712.

Muskogee, Indian Territory, May 8, 1905.

Ella P. Wilson,

Biggs, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6712

No.

6712

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name

Ella T. Wilson

Age 18

Blood

1/16

Post Office,

Biggs, Mo. -

Father:

John W. Freeman, l.

Mother:

Julia J. (") l.

Claims through

father - $\frac{1}{8}$ -

Husband was

C. W. Wilson, l. w.

No claim for husband

Children:

No children -

Claims for self.

Stenographer

W. H. Martin

Mr. P. H. Wilson
REFUSED
DECISION RENDERED JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 13 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REF.

6255

Choctaw MCR 6713

Mary E. Wake

MCR 6713

#6713.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Mary E. Wake for the
identification of herself as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for Applicant.

Mary E. Wake being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Wake.
Q What is your age? A 22.
Q What is your post office address? A Omba, Missouri.
Q How long have you lived in Missouri? A Ever since I was a
little bit of a girl.
Q Were you born in Missouri? A No sir, in Arkansas.
Q Where in Arkansas? A Izzard County I think.
Q And from there you went to Missouri and have been there ever
since? A Yes sir.
Q What is your father's name? A Samuel P. Freeman.
Q Is he living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Rebecca Freeman.
Q Do you claim your Choctaw blood through your father or mother?
A Father.
Q How much do you claim? A One sixteenth part.
Q You claim your father was one eighth Choctaw? A (No response)
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by either the Choctaw tribal authorities or the United
States authorities in the Indian Territory? A I dont know.
Q He never lived in the Indian Territory, did he? A No sir.
Q Has he ever been before this Commission? A No sir.
Q Do you know when and where your father and mother were married?
A No sir.
Q Were they married in Missouri or Arkansas? A Yes sir, in Mis-
souri.
Q What place in Missouri were they married, if you know? A I
dont know.
Q Do you know whether they were married under a license or not?
A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q What is he? A A white man.
Q What is his name? A Jasper Wake.
Q Do you make any claim for him? A No sir.
Q You apply only for yourself? A Yes sir.
Q You have no children? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A I dont know.

Mary E Wake-----2

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Yes sir, I reckon.
- Q When; when did you make application before this? (No response)
- Q You dont mean that you have made application for enrollment before this, do you, to the Choctaw tribal authorities? (No response)
- Q You ought to know whether you have made application or not; what application have you ever made to the Choctaw tribal authorities for citizenship in the Indian Territory, Choctaw Nation; dont you know that you have not made any application? A No sir, I dont know it.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of congress of June 10, 1896? (No response)
- Q Now this is the Dawes Commission; have you ever been before this Commission before today and tried to become enrolled as a Choctaw Indian? A Yes sir.
- Q When have you? (No response)
- Q You say you have been, when? (No response)

By Mr. Harrison, attorney for applicant:

- Q Do you understand the question? A No sir, I dont.

By the Commission:

- Q Well, I mean have you been before this Commission, before which you appear now to make this application, at any time previous to this date and sought citizenship in the Choctaw Nation? A No sir.

By Mr Harrison:

- Q Were you ever in the Indian Territory before today? A No sir.
- Q Thats a fact is it? A Yes sir.
- Q Now you ought to be able to answer the questions of the Commission, cant you? (No response)

By the Commission:

- Q Then you never did make application to the Dawes Commission under the law of 1896, did you? (No response)
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in the Indian Territory? (No response)

By Mr Harrison:

- Q Do you understand the question? A No sir.
- Then tell the Judge that you dont understand his questions.

By the Commission:

- Q Have you ever been admitted as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the United States court in the Indian Territory, or any commission of the United States? A I dont know.
- Q Well, you ought to know; if you have ever been admitted you wouldn't be here today making application to be admitted or to be identified as a Mississippi Choctaw; do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? (No response)

Mary E Wake-----3

Q Or dont you know whether you do or not? A No sir, I dont know/

If you have any rights before this Commission at the present time you must claim those rights under article 14 of the treaty of 1830; and that right that you claim must be the right to be identified as a Mississippi Choctaw as a descendant of a Mississippi Choctaw ancestor. The treaty of 1830 was made between the Indians who were members of the Choctaw tribe, and who in 1830 lived in the old Choctaw Nation east of the Mississippi river, and the United States government. The object of the government in making this treaty was to remove the Choctaw Indians from the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect these Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. An article in a treaty is one of its parts or subdivisions. That article 14 under which you are making your claim, whether you know it or not, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or not? A No sir.
- Q What is the name of your ancestor that you are making your claim through now? (No response)
- Q Do you know what an ancestor is? A Samuel Freeman.
- Q You mean your father? A No sir.
- Q Well, Samuel Freeman is your father's name, is it not? A No sir, Samuel P. Freeman is.
- Q Whom did your father claim through? (No response)
- Q Through his father or mother? A His father.
- Q What was his father's name? A Aaron Freeman.
- Q Now, do you mean that your father, Samuel P. Freeman, claimed his Choctaw blood through Aaron Freeman? A No sir, through his mother.
- Q What was his mother's name? A Alabeth.
- Q What was her maiden name? A Alabeth Ball.
- Q So you claim through Alabeth Ball, your grandmother? A My great grandmother.
- Q Is Alabeth Ball your father's grandmother? A Yes sir.

Mary E Wake-----4

- Q What was your father's father's name? A Samuel Freeman.
- Q And your father had the middle initial "P" in his name? A Yes sir.
- Q You claim through your father, Samuel P. Freeman, and he claims through his father, Samuel Freeman, and his father, Samuel Freeman, claimed through Alabeth Freeman, his mother? A Yes sir.
- Q Did any of these Choctaw ancestors whose names you have given live in Mississippi or Alabama in 1830, and were any of them heads of families there then? A I dont know.
- Q How much Choctaw blood did Alabeth Freeman have? A I dont know.
- Q You never heard? A No sir.
- Q Do you know whether Alabeth Freeman or any other Choctaw ancestor of yours went to the United States Indian agent, Colonel Ward, within six months after the treaty of 1830 was ratified and registered or attempted to register under article 14 of that treaty? A No sir.
- Q Did any Choctaw ancestor of yours, Alabeth Freeman, or any other having Choctaw blood, live on land in Mississippi or Alabama for a period of five years and then get a deed or patent from the government under article 14 of the treaty of 1830? A No sir, I dont know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know.
- Q Did any of your Choctaw ancestors go at any time with the other Indians between 1833 and 1838 or '40? A I dont know.
- Q Did any of your Choctaw ancestors, Alabeth Freeman or any other, own any improvements on land in that old Choctaw Nation in 1830? A I dont know.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these two commissions were appointed was because of the complaints of Choctaw Indians who claimed that they had tried to register at Colonel Ward's agency under article 14 of the treaty of 1830 within six months from the ratification of that treaty, but that Colonel Ward had refused to allow them to register or neglected to put their names on his registry list, and because he neglected to do this these Indians who had lands in the old Choctaw Nation upon which they had improvements, had them taken from them and sold by the government.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article 14 of the treaty of 1830? A No sir, I dont know.
- Q Did any of them receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to these Choctaw Indian who

Mary E Wake-----5

proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant for the introduction of other testimony if the applicant desires to present any further testimony.

Q Are you related to John H. Bennight or Bennett? A I dont know.

Q Did you ever hear of him before? A Yes sir.

Q Did you ever hear that he was a relative of yours? (No response)

By Mr Harrison:

Q You have heard that he was kin to you, have you not? A Yes sir.

By the Commission:

Q Did you not know who were meant by relatives? A No sir.

Q I mean your kin; you know what that means? A Yes sir.

Q Is John H. Bennight any kin of yours? A Yes sir.

Q Do you know what kin? A I have forgot; I did know.

Q Is John F. Turnbull any kin of yours? A Yes sir.

Q Do you know what relation or kin? A Second cousin.

The case of John H. Bennight, et al., M C R 6255, and also the case of John F. Turnbull, M C R 6599, are here referred to as relatives of this applicants claiming through the same common ancestor.

By Mr Harrison:

Q You were never in the Indian Territory before today, were you? A No sir.

Q You have never applied to any court or any commission for the establishment of your rights as a Choctaw Indian, have you? A No sir.

Q You were never admitted into Choctaw citizenship by the Choctaw Nation, were you? A No sir.

Q When you answered the commission as you did, that you didn't know whether you had ever made application for citizenship before did you understand the question, and was that the reason you answered as you did? A No sir, I didn't understand it.

Q Now do you wish to go on record as stating that you have not made any such application? A Yes sir.

Q Now, you stated that you didn't know whether you applied today as a Mississippi Choctaw or not; did you understand that when you made that answer? A No sir.

Q Now, do you understand how you are applying before the Commission today; are you or are you not applying today to establish your rights as a Mississippi Choctaw? A Yes sir.

Q As far as you understand your rights? A Yes sir.

Q Did you ever hear of your great grandmother trying to register in Mississippi about 1830? A No sir; if I did I have forgot it.

Q Did you ever hear any of your kin people talk about that? A No sir.

Mary E Wake-----6

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage. She has dark brown hair, blue eyes, medium light complexion. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of February, 1903.

Charles H. Sawyer

Notary Public.

M C R 6713
M C R 6605
M C R 6439

Muskogee, Indian Territory, February 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the affidavits of Rachel Collins, Rachel J. Freeman and Isah Collins to the marriage of Samuel Freeman and Celia Freeman his wife, offered for filing in support of the application made by Mary E. Wall for identification as a Mississippi Choctaw.

Also the affidavits of Mary Jane Upshaw, John Ford and Richard Dobbs offered for filing in support of the application made by Mary E. Reynolds for the identification of herself and minor children as Mississippi Choctaws.

Also the affidavits of W. M. Bane to the marriage of Benjamin F. Freeman and Margaret Freeman his wife, offered for filing in support of the application made by Benjamin F. Freeman for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

M C R 6685
M C R 6713 ✓
M C R 6879

Muskogee, Indian Territory, May 11, 1903.

Thomas & Harrison,
Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing certified copy of marriage certificate between Richard Ingram and Nannie Hanks, offered in support of the Mississippi Choctaw case of Nannie Ingram, et al.

Also affidavits of John F. Turnbull and Ap Ewenton, and certificate of John A. Spurlock, recorder of deeds, Douglas county, Missouri, offered in support of the Mississippi Choctaw case of Phoebe Dobbs, et al.

Also certificate of marriage between Jasper Dickson Wake and Mary E. Freeman, offered in support of the Mississippi Choctaw case of Mary E. Wake.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6713.

Muskogee, Indian Territory, June 15, 1904.

Mary E. Wake,

Omba, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Jame Bixby.

Chairman.

M.C.R. 5715.

Muskogee, Indian Territory, May 8, 1905.

Mary E. Wake,

Omaha, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6713

No.

6713

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name Mary E. Wake

Age

22.

Blood

916

Post Office, Omba. Mo.

Father: Samuel P. Freeman l.

Mother: Rebecca " l.

Claims through

father * * 18

Husband

Jasper W. Wake, l. w.

No claim for husband

~~Children~~

Claims for self *

Stenographer

W. H. Martin

Mary E. Wake

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 10 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 1 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 28 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY CHOCTAW
AND CHICKASAW NATIONS.

6255

Choctaw MCR 6714

Eva E. Wallin

MCR 6714

#6714.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Eva E. Wallin for the identification of herself and her two minor children, Pearl and Maud Wallin, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Eva E. Wallin being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Eva E. Wallin.
Q What is your age? A 21.
Q What is your post office address? A Sedgwick, Arkansas.
Q How long have you lived in Arkansas? A Two years.
Q Where did you live before that? A Douglas County, Missouri.
Q Where were you born? A Missouri.
Q Is your father living? A Yes sir.
Q Your mother also? A Yes sir.
Q What is your mother's name? A Julia A. James.
Q What is your father's name? A Hiram L. James.

Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth part for myself.
Q You claim your mother was one eighth Choctaw Indian? A Yes sir.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by any authority whatever up to the present time? A No sir.
Q She never lived in the territory at all did she? A No sir.
Q Is your husband living? A Yes sir.
Q Is he an Indian or a white man? A White man.
Q What is his name? A Isaac Wallin.
Q You don't make any claim for him do you? A No sir.
Q How many children have you? A Two.
Q What is the name of the eldest? A Three years old.
Q What is its name? A Pearl.
Q Girl? A Yes sir.
Q What is the name of the next? A Maud.
Q How old is Maud? A One year old.
Q You claim for yourself and these two children? A Yes sir.
Q Is Isaac Wallin the father of these children? A Yes sir.
Q Are you and he living together as husband and wife, and these children living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authority in the Indian territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of congress of June 10, 1898? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever in the Indian Territory, up to the present time? A No sir.

Eva E. Wallin-----2

- Q Do you come before the Commission now to identify yourself and your children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830; that article that I have explained here several times? A Yes sir.
- Q Do you understand that article well enough to claim under it or would you like to have it explained again? A I think I understand it.

The article itself as it was incorporated in the treaty of 1830, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Did any of your Choctaw ~~with~~ ancestors comply or attempt to comply with that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A Alabeth Ball.
- Q That was her maiden name wasn't it? A Yes sir.
- Q What was her married name? A Aaron Freeman.
- Q she married Aaron Freeman? A Yes sir.
- Q What relation was Alabeth Freeman to you? A Great grandmother.
- Q How much Choctaw blood did she have if you know? A One half.
- Q Did she live in Mississippi or Alabama at any time? A I don't know.
- Q Did she live in either of those states in 1830 in the old Choctaw Nation and have a family there then? A I don't know.
- Q You don't know whether she was the head of a family there at that time in either state? A No sir, I don't know.
- Q You claim through your mother, Julia A. James? A Yes sir.
- Q What was her maiden name? A Freeman.
- Q Did she claim through her father or mother? A Through her father.
- Q His name was what? A Daniel Freeman.
- Q Did he marry a woman named Sarah? A Yes sir.
- Q She had no Choctaw blood? A No sir.
- Q Now Daniel Freeman claimed through whom, his father or mother? A His mother.
- Q And her name was what? A Alabeth Ball.
- Q Alabeth Freeman? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 in Mississippi or Alabama and were heads of families there then? A No sir, I don't know.

Eva E Wallin-----3

- Q Did any of them go to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I have heard my mother tell about an aunt telling her that they went to see about land, but they didn't get it.
- Q Do you know whether any of them tried to register under that article or not? A Yes sir; I think they did.
- Q Can you give any of the particulars of that effort? A No sir.
- Q Do you know where Alabeth Freeman lived at any time? A In North Carolina some place.
- Q Do you know when? A No sir, I don't believe I do.
- Q Do you know when and where she was born? A No sir.
- Q Do you know when and where she died? A No sir.
- Q Did she live in any other state than North Carolina? A I don't know.
- Q Did she or any of your Choctaw ancestors live on land in that old Choctaw Nation in 1831 and thereafter for five years and at the end of that time get a patent or deed to that land from the government under article 14 of the treaty of 1830? A No sir they said they never did.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, I don't think they did.

In 1837 a commission was appointed by an act of congress approved March 3rd of that year, and in 1842 another commission was appointed by an act of Congress approved August 23rd of that year. These two commissions were appointed and went to Mississippi for the purpose of hearing those Indians who claimed that they had gone to Colonel Ward and attempted to register under article 14 of the treaty of 1830, and had been refused, that they might have their claims heard. Colonel Ward refused to receive the names of a good many Choctaw Indians for registration, and as a result of that refusal these Indians had the land which they occupied in the old Choctaw Nation taken from them by the government and sold at its public land sales. Many of these Indians appeared before one or the other of these commissions.

- Q Did any of your Choctaw ancestors go before either of them and claim any rights under article 14 of that treaty? A No sir; it seems like I have heard them say they did.
- Q But you don't recall it? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A No sir.

This scrip was issued under an act of congress of August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Eva E Wallin-----4

- Q Do you speak or understand the Choctaw language? A No sir.
Q Is John H. Bennight a relative of yours? A Yes sir.
Q Do you know what relation? A Second cousin I think.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation. Also the case of John P. Turnbull is here referred to, M C R 6599.

- Q What is your mother's name? A Julia A. James.
Q She has been before the Commission? A Yes sir.

By Mr Harrison, attorney for applicant:

- Q You dont know it to be a fact that ~~manetof~~ your Choctaw ancestors lived on land in Mississippi or Alabama in 1830, do you? A No.
Q You have stated in answer to a question of the Commission that no one of them did so live on lands; do you mean that, or did you mean to say that you didn't know? A I meant to say that I dont know, whether they did or not; of course I cant tell that.
Q You have stated that no one of your Choctaw ancestors ever received any scrip; did you mean to state that as a fact, or that you didn't know? A I meant I didn't know.
Q Have you ever heard that your great grandmother, Alabeth Freeman, attempted to register in Mississippi along in about 1831? A Yes sir.
Q Tell us what you have heard about that; who told you? A I dont know either; I heard my mother say that one of her aunts said that she kept her child when they went back to see about some land, and they didn't get it.
Q Was it stated what date she went back? A I dont know for certain; it seems like about 1830 or 1832.
Q You dont remember? A No sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has very dark complexion, black eyes and dark brown hair. Her personal appearance from her features and color would indicate a resemblance to one having some Indian blood. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of eighteen hundred and thirtys.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 9 day of March, 1903.

Charles D. Sawyer
Notary Public.

M C R
7232-6255
6714-6716
✓

Muskogee, Indian Territory, May 8, 1903.

Thomas A. Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing the following:

Certified copy of marriage record between William Packard and Winnie M. Woodward, offered in support of the Mississippi Choctaw case of Winnie Packard, et al.

Certified copy of marriage certificate between John Westly Benight and Mary Freeman, offered in support of the Mississippi Choctaw case of John M. Benight, et al.

Certificate of marriage between Isaac N. Wallin and Eva M. James, offered in support of the Mississippi Choctaw case of Eva M. Wallin, et al.

Marriage license and certificate between John L. Baldwin and Sarah James, offered in support of the Mississippi Choctaw case of Sarah Baldwin, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

COPY.

M. C. R. 6714.

Muskogee, Indian Territory, June 15, 1904.

Eva H. Wallin,
Sedgwick, Arkansas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Pearl Wallin and Maud Wallin.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 6714.

Muskogee, Indian Territory, May 6, 1905.

Eva E. Fallin,

Sedgwick, Arkansas.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6714

No. 6714

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name Eva E. Wallin.

Age 21 — Blood 1/16

Post Office, Sedgwick, Ark.

Father: Hiram L. James, l

Mother: Julia A. " l.

Claims through mother 1/8

Husband.

Isaac Wallin, l. w.

No claim for husband

Children:

Pearle Wallin, 3

Maud, " 1

Claim for self
and 2 minors

Stenographer W. H. Martin.

FORN. COMMUNICATIONS
ADMIN. OFF. DEPT. OF INT.

R. 6714

Eva. E. Mallin et al

DECISION RENDERED

JUN 15 1904

REFUSED

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 16 1904

NOTICE OF DECISION

FORWARDED TO ATTORNEYS

FOR

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO W. C. R.

Choctaw MCR 6715

Elsina Freeman

MCR 6715

#6715.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Elsin Freeman for the identification of herself and her minor child, Gladys Freeman, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Elsina Freeman being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elsin Freeman.
Q What is your age? A Twenty-four.
Q What is your post office address? A Topaz, Douglas County, Missouri.
Q How long have you lived there? A I was born and raised there.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Hiram L. James.
Q What is your mother's name? A Julia A. James.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q You claim your mother is one eighth Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race, red or white? A He's white.
Q Do you make any claim for your husband? A No sir.
Q What is your husband's name? A William D. Freeman.
Q How many children have you? A One.
Q What is the name of the child? A Gladys.
Q How old? A Three months old.
Q William D. Freeman is the father of Gladys? A Yes sir.
Q Are you and your husband living together as husband and wife and this child living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Do you want to be identified now as a Mississippi Choctaw with your child? A Yes sir.
Q You claim for yourself and this child? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir, I think I do.

Elsina Freeman-----2

The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they live upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article, do you know? A Yes sir.
- Q Who was it; what is the name of your ancestor that you are claiming through now? A Alabeth Ball.
- Q What relation was she to you? A Great grandmother.
- Q That was her maiden name, was it not? A Yes sir.
- Q What was her married name? A Freeman.
- Q How much Choctaw blood did she have? A I think one half.
- Q What was her husband's name? A Aaron Freeman.
- Q A white man? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
- Q Did she within six months after the treaty of 1830 was ratified go to the United States Indian agent and try to register under article 14 of that treaty? A I dont know.
- Q Did she speak the Choctaw language, or have a Choctaw Indian name? A I dont know.
- Q Did she or any Choctaw ancestor of yours live on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified, and then get a deed or patent from the government for that land? A I dont know.
- Q Did she or any Choctaw ancestor of yours own any land or claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Did she go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians at any time between 1833 and 1838 or '40? A I dont know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know.
- Q Did you ever hear that she or any other Choctaw ancestor of yours owned any improvements on land in that old Choctaw nation in 1830 or 1831? A No sir, I never heard they did.
- Q Can you give any more information regarding your Choctaw ancestor in regard to their having complied with article 14 of that treaty? A No sir.
- Q Did any of your Choctaw ancestors go before a commission appointed by an act of congress approved March 3rd, 1837, or before a commission appointed by an act of congress approved

Elsina Freeman-----3

August 23rd, 1842, and claim any benefits under article 14 off the treaty of 1830? A I dont know.

These commissions were appointed some time after the time expired to register under article 14 of the treaty of 1830, and were appointed because a good many Indians had tried to register under that article, but that Colonel Ward had refused them registration, and because he would not allow them to register they made complaints, and they were afterwards heard by the commission of 1837 and the commission of 1842. These Indians who tried to register and failed had the land which they were occupying in the old Choctaw Nation taken from them by the government and sold at its public land sales because Colonel Ward refused to allow them to register.

Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was granted to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

Q Do you speak the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A Yes sir.
Q What relation to him? A Second cousin.
Q Are you related to John F. Turnbull? A Yes sir.
Q What relation to him? A Second cousin.
Q These two have made application before this Commission to be identified as Mississippi Choctaws claiming through Alabeth Freeman, nee Ball, the same ancestor through whom you claim? A Yes sir.
Q Do you want your application considered under the head of John H. Bennight? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation.

Q Is your mother's name Julia A. James? A Yes sir.
Q Her case will be considered in connection with yours; you say John F. Turnbull is a relative of yours? A Yes sir.

The case of John F. Turnbull, M C R 6599, is also referred to as being a relative of this applicant claiming through the same common ancestor.

Thirty days time is allowed this applicant within which to introduce other proof in this case.

By Judge Harrison, attorney for applicant:

Q What information you have about your great grandmother you get from family history and tradition, do you not? A Yes sir.
Q Who have you ever heard say anything about your great grandmother being a Choctaw Indian? A Well, I have heard my uncle speak of it, and I have heard my mother speak of it.
Q What did they say about her trying to register 'way back in the early days for the purpose of getting land as a Choctaw Indian? A They said she tried to and failed.
Q Do you remember where she went from to register? A No sir,

Elsina Freeman-----4.

I do not.

Q Did you ever hear anything about your great grandmother having lived in Mississippi in 1830? A I dont know.

Q You dont remember that if you have heard it? A No sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage. She has brown hair, medium fair complexion, blue eyes. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 7 day of March, 1903.

Charles H Sawyer

Notary Public.

M U R 6718
M U R 7230

Muskogee, Indian Territory, May 11, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing joint affidavit of John W. Freeman and William R. Freeman and certificate of marriage between William D. Freeman and Elaina James, offered in support of the Mississippi Choctaw case of Elaina Freeman, et al.

Also certified copy of marriage license and certificate between E. W. McDaniel and Ida James, offered in support of the Mississippi Choctaw case of Ida McDaniel, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner of the Court.

COPY.

N. C. R. 8715.

Muskogee, Indian Territory, June 16, 1904.

Elaine Freeman,

Topas, Missouri.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Gladys Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Laine Bixby.

Chairman.

Registered.

M.C.R. 6715.

Muskogee, Indian Territory, May 8, 1905.

Elsina Freeman,

Topaz, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6715

No. 6715

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name Elsina Freeman

Age 24-

Blood "16

Post Office, Topaz, Mo -

Father: Wiram S. James, l.Mother: Julia A. James, l.

Claims through mother - "18

HusbandWilliam D. Freeman, l. wNo claim for husband

Children:

Gladys Freeman, 3 mclaim for self.
and child

Stamped

J. H. Martin

FOR DEPARTMENT OF THE INTERIOR

R. 67

Elma Freeman
REFUSED

DECISION RENDERED **JUN 15 1904**

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
FORWARDED ATTORNEY

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

✓ ACTION APPROVED BY
SECRETARY OF INTERIOR.
APR 21 1905

✓ NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 21 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APPROVED BY **JUN 15 1904**

(67)

Choctaw MCR 6716

Sarah J. Baldwin

MCR 6716

#6716.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application for identification as Mississippi Choctaws of Sarah Jane Baldwin and her five minor children, Evert W., Evert O., Agnes D., Flora Belle and Elmer L. Baldwin, and Rebecca E. James.

Thomas & Harrison, attorneys for applicants.

Elsina Freeman being first duly sworn testifies with reference to the application for identification as Mississippi Choctaws, which she makes for her married sister, Sarah Jane Baldwin and her five minor children, and for her unmarried sister, Rebecca E. James, as follows:

Examination by the Commission.

- Q What is your name? A Elsina Freeman.
Q What is your age? A Twenty four.
Q What is your post office address? A Topaz, Missouri, Douglas County.
Q Do you wish to make application for the identification of your sister, Sarah Jane Baldwin, and her family? A Yes sir/
Q And for your sister, Rebecca E. James? A Yes sir.
Q Where does your sister, Sarah Jane Baldwin, live? A In Douglas County.
Q What is her post office address? A Topaz.
Q Her post office address is the same as yours? A Yes sir.
Q Does Rebecca E. James also get her mail at Topaz? A Yes sir.
Q And letters addressed to her there will reach her? A Yes sir.
Q What is the name of their father? A Hiram L. James.
Q He is living? A Yes sir.
Q Is their mother living? A Yes sir.
Q Her name is what? A Julia A. James.
Q Hiram L. James is the father of yourself and also Sarah Jane Baldwin and Rebecca E. James? A Yes sir.
Q And is Julia A. James your mother and the mother of Sarah Jane Baldwin and Rebecca E. James? A Yes sir.
Q They claim through the same ancestors through whom you claim? A Yes sir.
Q Through which parent do you make the claim for your sisters for Choctaw blood? A On my mother's side.
Q What is the name of your married sister? A Sarah Jane Baldwin.
Q How old is she? A Thirty-two.
Q Has Julia A. James, your mother and the mother of your sisters, ever been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q What is the name of the husband of your sister, Sarah Jane Baldwin? A John L. Baldwin.
Q Is any claim made for him as a Choctaw Indian? A No sir.
Q Is he a white man? A Yes sir.
Q How many children have Sarah Jane Baldwin and John L. Baldwin?

Sarah J Baldwin et al-----2

A Five.

Q What is the name of the eldest? A Evert W. Baldwin.

Q How old is Evert? A Ten years old.

Q What is the name of the next? A Emert O.

Q How old? A Eight.

Q The next? A Agnes D. Baldwin.

Q How old? A Six.

Q The next? A Flora Belle.

Q How old? A Four.

Q The next? A Elmer L. Baldwin.

Q How old? A Two years old.

Q Are these all the children of your sister, Sarah Jane Baldwin, and her husband, John L. Baldwin? A Yes sir.

Q Do they claim their Choctaw blood entirely through their mother? A Yes sir.

Q How much Choctaw blood do you claim for these children? A One thirtysecond.

Q Do you claim one sixteenth for your sister? A Yes sir.

Q Do you know when and where your married sister and her husband were married? A They were married at Topas, Missouri.

Q Do you remember the day of the month and the year? A No, I don't remember.

Q What is the name of your other sister that you want to make application for? A Rebecca E. James.

Q How old is she? A Twenty-six.

Q She has the same father and mother as yourself? A Yes sir.

Q Is the name of your mother, Julia A. James, who is also the mother of Sarah Jane Baldwin and Rebecca E. James, on any of the tribal rolls, or has she ever been recognized as a Choctaw Indian, by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q Do you want to introduce this power of attorney which authorizes you to make this application for your sister, Sarah Jane Baldwin? A Yes sir.

This power of attorney presented by applicant is received, filed, marked "exhibit A" and made a part of the record in this case.

Q Do you also want to introduce this doctor's certificate with reference to the physical condition of your sister Sarah Jane Baldwin? A Yes sir.

Said certificate received, filed, marked "Exhibit B", and made a part of the record in this case.

Q Do you also want to introduce this power of attorney signed by Rebecca Eleanor James authorizing you to present her application before the Commission at this time? A Yes sir.

Said power of attorney received, filed, marked "Exhibit C", and made a part of the record in this case.

Q And also the doctor's certificate with reference to the physical condition of Rebecca Eleanor James? A Yes sir.

This physician's certificate is presented by applicant, received, filed, marked "Exhibit D", and made a part of the record in this case.

Sarah J Baldwin et al-----3

- Q Is the name of your sister, Sarah J. Baldwin, or any of her children, or the name of your sister, Rebecca E. James, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Now sir.
- Q Has any application ever been made for them for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have any of their names been enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify them as Mississippi Choctaws claiming under article 14 of the treaty of 1830 by virtue of these powers of attorney signed by them authorizing you to do this? A Yes sir.
- Q Do you understand article 14 of that treaty? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of the ancestor of these sisters of yours through whom you are making their claim for them? A Alabeth Ball or Alabeth Freeman.
- Q What was her husband's name? A Aaron Freeman.
- Q Aaron Freeman was a white man? A Yes sir.
- Q And his wife was a Choctaw? A Yes sir.
- Q How much Choctaw? A One half.
- Q Was she the great grandmother of your two sisters? A Yes sir.
- Q And the great great grandmother of the minor children of Sarah Jane Baldwin? A Yes sir.
- Q Did she live in Mississippi or Alabama in 1830, and have a family there then? A I dont know.
- Q Did any of the Choctaw ancestors of these relatives for whom you are making this claim live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? A I dont know.
- Q Did any of them go before the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830, was ratified and try to register under article 14 of that treaty? A I dont know.
- Q Did any of them claim any land there in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.

Sarah J Baldwin et al-----4

- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know.
- Q Did any of the Choctaw ancestors of your sister, Sarah Jane Baldwin, and your sister, Rebecca E. James, own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go before a commission appointed by an act of congress approved March 3rd, 1737, or before a commission appointed by an act of congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed to hear Choctaw Indians who claimed that they had tried to register under article 14 of the treaty of 1830, but that Colonel Ward had refused to allow them to register, and the government had taken their land from them in the old Choctaw Nation and sold it.

- Q Did any of the Choctaw ancestors or your sister, Sarah Jane Baldwin, or your sister, Rebecca E. James, receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.
- Q Do either of them speak the Choctaw language? A No sir.
- Q Or any of your sister Sarah Jane Baldwin's children? A No sir.

The case of this applicant, Elsin Freeman, M C R 6715, is here referred to and made a part of this application.

- Q Are your sisters relatives of John H. Bennight and John F. Turnbull? A Yes sir.
- Q They claim through the same ancestor that John H. Bennight claims through? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation; also the case of John F. Turnbull, M C R 6599.

Thirty days time is allowed in this case for the introduction of other evidence.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on February 13, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 2 day of March, 1903.

Charles H. Sawyer

Notary Public.

N O R
7232-6256
6714-6716

Muskogee, Indian Territory, May 8, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing the following:

Certified copy of marriage record between William Packard and Winnie M. Woodward, offered in support of the Mississippi Choctaw case of Winnie Packard, et al.

Certified copy of marriage certificate between John Westly Benight and Mary Freeman, offered in support of the Mississippi Choctaw case of John H. Benight, et al.

Certificate of marriage between Isaac H. Wallin and Eva E. James, offered in support of the Mississippi Choctaw case of Eva E. Wallin, et al.

Marriage license and certificate between John L. Baldwin and Sarah James, offered in support of the Mississippi Choctaw case of Sarah Baldwin, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY:

M. C. R. 5716.

Muskogee, Indian Territory, June 15, 1904.

Elsina Freeman,

Topaz, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including Sarah Jane Baldwin, Rebecca E. James, Evert W. Baldwin, Emert O. Baldwin, Agnes D. Baldwin, Flora Belle Baldwin and Elmer L. Baldwin.

You are further notified that the applicants will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered,

M.C.R. 6710.

Muskogee, Indian Territory, May 8, 1905.

Sarah J. Baldwin,
Care of Elsie Freeman,
Topaz, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6716

No.

6716

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Elvina Furman for Sarah J
Name Baldwin et al. 2
Rebecca E. James
(of app't)

Age

24¹/₂

Blood

116

Post Office, Topaz, Mo.

Father: Hiram L. James. l.

Mother: Julia A. " l
all appearers.

Claims through mother -

Sarah Jane Baldwin, 32
f. Hiram L. James l.
m. Julia A. " l

Husband (of Sarah J. Baldwin)

John L. Baldwin (w)
(no claim for John L. B.)

Children:

of Sarah J. Baldwin
and John L. Baldwin
are.

~~Evert O. B.~~

Evert W. Baldwin 1/32 10

Evert O. " 1/32 8

Agnes W. " 1/32 6

Flora B. " 1/32 4

Elmer L. " 1/32 2

Rebecca E. James. 26

(Same father & mother

as Elvina Furman

mer 6715. - claim for

photographer

By *Clara Freeman*

FOR IDENTIFICATION AS

R. 67

Sarah J. Baldwin

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHIEF AND CHIEF OKASAW NATIONS

JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHIEF AND CHIEF OKASAW NATIONS

REPRESENTATIVE

6255

Choctaw MCR 6717

Alcie Reese

MCR 6717

#6717.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
February 13, 1903.

In the matter of the application of Alcie Reese for the identification of herself and her six minor children, Charles A., Deston, Amanda L., Walter J., William A., and Elva Reese, as Mississippi Choctaws.

THOMAS & HARRISON, attorneys for applicants.

Alcie Reese being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Alcie Reese.
Q What is your age? A Forty-five.
Q What is your post office address? A Topaz, Missouri.
Q How long have you lived in Missouri? A I was born and raised in Missouri.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A William J. Freeman.
Q What is your mother's name? A Rachel J. Freeman.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One eighth I reckon.
Q Do you claim your father was one quarter Choctaw? A My grandmother was one half.
Q Then your father would be one quarter and you would be one eighth? A Yes sir.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I guess not.
Q Are you married? A Yes sir.
Q Do you know when and where your father and mother were married? A They was married in Missouri.
Q Whereabouts in Missouri? A Not far from where they live now; I think it was Ozark County then, Douglas County now.
Q Do you remember the day of the month and year? A No, I dont.
Q Do you remember if they were married by a minister under a license? A There was no license them days.
Q You have not the proof of their marriage with you now? A Yes sir, you have got it.
Q Do you want to file it in this case?

By Mr Harrison, attorney for applicants: Yes sir, we would like to file it.

By the Commission: A statement signed by John A. Spurlock, Recorder of deeds, County of Douglas, state of Missouri, in reference to the destruction by fire of the court house where the records of marriages prior to April 20, 1886, were kept, is

Alcie Reese-----2

presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

A statement signed by Rachel Freeman by her mark, and acknowledged before a Notary Public, with reference to her marriage to William J. Freeman, is presented by this applicant, received, filed, marked "Exhibit B", and made a part of the record in this case.

An affidavit of William James, subscribed and sworn to before a Notary Public on the 9th day of February, 1903, with reference to the marriage of William Freeman and Rachel J. James, is presented by this applicant, received, filed, marked "Exhibit C", and made a part of the record in this case.

An affidavit of Isah Collins, signed by his mark, and subscribed and sworn to before a Notary Public on the 9th day of February, 1903, with reference to the marriage of William J. Freeman and Rachel J. James, presented by this applicant, received, filed, marked "Exhibit D", and made a part of the record in this case.

Sworn statement of Richard M. Dobbs, signed by his mark, and subscribed and sworn to before a Notary Public on the 7th day of February, 1903, with reference to the marriage of William J. Freeman and Rachel J. James presented by this applicant, received, filed, marked "Exhibit E", and made a part of the record in this case.

- Q What is your husband's name? A William M. Reese.
Q Is he living? A Yes sir.
Q What is his race? A A white man.
Q Do you make any claim for him? A No sir.
Q Give me the names of your children under age and unmarried?
A Charles A. Reese.
Q How old? A Nineteen.
Q The next? A Boston Reese.
Q A boy? A Yes sir, sixteen years old.
Q The next? A Amanda L. Reese.
Q How old? A Twelve.
Q The next? A Walter J. Reese.
Q How old? A Ten.
Q The next? A William A. Reese.
Q A boy? A Yes sir.
Q How old? A Eight.
Q The next? A Elva Reese.
Q A girl? A Yes sir.
Q How old? A Five.
Q Is that all? A Yes sir.
Q Is your name or are the names of any of these children on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
Q Is William M. Reese the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1906? A No sir.
Q Have you or any of your children ever been admitted to citizen-

Alcie Reese-----3

ship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.

Q Do you understand that article? A I think I do.

Q You dont care for an explanation? A No sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with that article or not? A No sir.

Q You claim through your mother? A My father.

Q William J. Freeman? A Yes sir.

Q He claimed through whom? A Mother.

Q What was her name? A Alabeth Ball.

Q Who married a Freeman? A Yes sir.

Q She was your grandmother? A Yes sir.

Q She had how much Choctaw blood? A One half I think.

Q Her husband was Aaron Freeman? A Yes sir.

Q Did he have any Choctaw blood? A I guess not.

Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.

Q Did she ever live in Mississippi or Alabama? A I guess they come from Mississippi, but I dont know. I dont know whether they had any family when they lived there or not, or when they come from there.

Q Was Alabeth Freeman born in Mississippi or Alabama? A I dont know.

Q Where and when did she die, do you know? A She died in Missouri not far from where I am living now.

Q Where was that? A Topaz is right on their old place.

Q And she died there? A Yes sir, I think so.

Q When did she die? A I dont know, but the papers will come when she died I guess.

Q You think you can prove that later, do you? A Yes sir, I think it will be proven all right.

Q Did she go to Colonel Ward at his office or agency in Mississippi in 1831 within six months after the ratification of the treaty of 1830 and register or try to register under article 14 of that treaty? A I dont know.

Q Did you ever hear that she or any other Choctaw ancestor of yours lived on land in the old Choctaw Nation for five years

Aldie Reese-----4

and then get a deed or patent from the government for that land? A I dont know.

- Q Did you ever hear that any of your Choctaw ancestors claimed any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know as I ever did.
- Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I have heard talk that they started, but they never did get here, I think.
- Q You dont think they got as far as the Indian Territory? A No sir, I dont think they ever crossed over.
- Q Where did they land, do you know? A I dont know; they come to Missouri.
- Q Did any of them own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I dont know.
- Q Did any of your Choctaw ancestors go before the commission of 1837 or the commission of 1842 and claim any rights under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed to hear the complaints of Choctaw Indians who tried to register under article 14 of the treaty of 1830, but being refused the right to register by Colonel Ward they had their land taken from them by the government in the old Choctaw Nation and sold, and the complaints made by them on account of this action caused the appointment of these two commissions.

- Q You dont know whether any of your Choctaw ancestors went before either of them? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

These certificates or this scrip was issued to Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are you related to John H. Bennight? A Yes sir, cousin.
- Q Do you want to have your case consolidated under his? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation; also the case of John F. Turnbull, M C R 6599, is referred to in this connection.

- Q He is a relative of yours? A Yes sir, my cousin too.

Thirty days time is allowed this applicant for the purpose of introducing other evidence, if he desires, in support of this application.

By Mr Harrison, attorney for applicant:

- Q Do you remember your grandmother? A No sir, I cant remember

Alcie Reese- -----5.

her; I was only four years old I think when she died.

Q Did you ever hear anything about your grandmother going to Mississippi about 1830 or 1831 and trying to register there for land as a Choctaw Indian? A Why, I dont think she tried to register.

Q You dont know, do you? A I dont know these things at all; we were all too young for such as that.

Q Never heard that that was the case? A No.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; She has light brown hair, medium light complexion, blue eyes; she does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 7 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M. C. R. 6717.

Muskogee, Indian Territory, June 15, 1904.

Alecie Reese,

Topaz, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bernight et al., including you and your minor children, Charles A. Reese, Deston Reese, Amanda L. Reese, Walter J. Reese, William A. Reese and Elva Reese.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jame Bixby.

Chairman.

Registered.

M.C.R. 6717.

Muskogee, Indian Territory, May 8, 1905.

Alois Reese,

Topas, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6717

No.

6717

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name *Alcie Reese.*

Age 45

Blood 1/8

Post Office, *Topaz - Mo.*Father: *Wm J. Freeman d*Mother: *Rachel J. "*Claims through, *father 1/4.**Husband -**Wm M. Reese, l. v.**No claim for husband*

Children:

*Charles A. Reese, 19**Wesston " M. 16**Amanda L. " 12**Walter J. " 10**William A. " 8**Elva (F) " 5**Claims for self &**6 minor*

Stenographer

W. H. Martin

R. 67

Alcie P. ...
REFUSED
DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND ... NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 1, 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 1, 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

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Choctaw MCR 6718

Drucilla Freeman

MCR 6718

#6718.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
February 13, 1903.

In the matter of the application of Drucilla Freeman for the identification of herself and her two minor children, William E. and Edith O. Freeman, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Drucilla Freeman being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Drucilla Freeman.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Oil Trough, Independence County, Arkansas.
Q How long have you lived in Oil Trough? A About two years.
Q Before that where did you live? A Douglas County, Missouri.
Q And went from there to Oil Trough? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A William J. Freeman.
Q Your mother's name is what? A Rachel J. Freeman.
Q You claim through your father or your mother? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one quarter Choctaw Indian? A Yes sir, supposed to be.
Q Has he ever been recognized or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory? A No sir.
Q Is your husband living? A I haven't got any husband.
Q Never had any? A No sir.
Q Have you any children that you want to make application for? A I have got a couple.
Q What is the name of the oldest? A William E. Freeman.
Q How old is William? A Four years old.
Q The next child? A Edith O. Freeman.
Q How old? A Sixteen months old.
Q You make application then for yourself and these two children? A Yes sir.
Q Are these children by the same father? A No sir.
Q What is the name of the father of William E. Freeman?

By Mr. Harrison, attorney for applicant: As I cautioned you before, Miss Freeman, you are not compelled to state under oath in this examination the names of the fathers of these children; but you can't make application for them unless you do tell

Drucilla Freeman-----2

the names of their fathers. But that is a matter for you to decide, whether you wish to give the names or not, whether you want the world to know who is the father of these children.

By the Commission:

- Q You can not claim for the children unless you give their fathers' names, but you can claim for yourself and need not give their fathers' names unless you care to? A I don't care for telling who their fathers are.
- Q All right? A His name was William Hesterly.
- Q That is the father of William? A Yes sir.
- Q He is living? A Yes sir.
- Q And a white man? A Yes sir.
- Q He has no Choctaw blood? A No sir, has no Choctaw blood.
- Q So that this child, William E. Freeman, claims its Choctaw blood through you and not through its father? A Yes sir.
- Q William Hesterly is the father of William E. Freeman, your oldest child? A Yes sir.
- Q You and William Hesterly were not married? A No sir.
- Q What is the name of the father of your second child, Edith O. Freeman? A John Griggsby.
- Q He is also a white man? A Yes sir.
- Q And living? A Well, he was last accounts; they were expecting him to die; I wouldn't be positive whether he is living or dead.
- Q This child, Edith O. Freeman, is your child by John Griggsby, and claims its Choctaw blood through you? A Yes sir.
- Q You were not married to either of these men were you? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
- Q Now, do you come before the Commission to identify yourself and these two illegitimate children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir, I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of

Drucilla Freeman-----3

the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty or not? A No sir.
- Q What is the name of your ancestor through whom you claim your right now to be identified as a Mississippi Choctaw? A Alabeth Freeman.
- Q Whose maiden name was Alabeth Ball? A Yes sir.
- Q What relation was Alabeth Freeman to you? A Grandmother.
- Q Do you know whether she was a full blood or half blood Choctaw Indian? A Half blood is what I have heard.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I dont know; I think my father was born in North Carolina.
- Q But you dont know whether she lived in Mississippi or Alabama? A No sir; he was born in '28.
- Q Your father was born in 1828 in North Carolina? A Yes sir.
- Q What was his name? A William J. Freeman.
- Q He claimed through his mother Alabeth Freeman? A Yes sir.
- Q She in 1828 was living in North Carolina? A Yes sir.
- Q Do you know where she was living two or three years after that? A No sir.
- Q Do you know whether she went to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified, which would be within six months after the 24th day of February, 1831, and told him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A I have heard that she did.
- Q Did she go from North Carolina to Mississippi, or was she living in Mississippi, or do you know? A I think she went from North Carolina.
- Q How old would your father be if living now? A He would be 77---or 76.
- Q He was born in North Carolina? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors, Alabeth Freeman your grandmother, or any other, lived on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the ratification of the treaty of 1830, and at the end of that time receive a patent from the government for that land under article 14 of the treaty of 1830? A No sir.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of that treaty? A I dont know that.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of their application made by you today? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between 1833 and 1838 with the other Indians at the expense of the government? A I dont know.
- Q Did any of them own any improvements on land in that old

Drucilla Freeman-----4.

Choctaw Nation in 1830? A I dont know.

Q Did any of them go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of that treaty? A I dont know.

These commissions were appointed by various acts of Congress to listen to the complaints of Indians who tried to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, but whose names Colonel Ward refused to register, and as a result of his refusal these Indians lost their land in the old Choctaw Nation, for it was taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

Q Are you related to John H. Rennight? A Yes sir, cousins.
Q And also John F. Turnbull? A Yes sir, cousins.

The case of John H. Rennight, et al., M C R 6255, is referred to in this connection; also the case of John F. Turnbull, M C R 6599.

Thirty days time is allowed this applicant in which to introduce other evidence in this case, if she desires to do so.

By Mr Harrison, attorney for applicant:

Q Did you ever hear your father say anything about your grandmother trying to register in Mississippi about 1830 for the purpose of getting land as a Choctaw Indian? A No sir; I heard my mother say that grandmother told her about going somewhere about 1830 to see about getting some land, but I dont know where it was; it has been so long ago.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage. She has brown hair, gray eyes, medium fair complexion.

Q Do you speak or understand the Choctaw language? A No sir.

She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee Indian Terri-

Druoilla Freeman-----5.

tory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

JH Motion

Subscribed and sworn to before me this 2nd day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R
6712 6711
6718 6839

Muskogee, Indian Territory, May 23, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing the following:

Certified copy of marriage license and certificate between Charles Wilson and Ella Freeman, offered in support of the Mississippi Choctaw case of Ella P. Wilson.

Marriage certificate of Jasper Houchins and Jane Freeman, offered in support of the Mississippi Choctaw case of Jane Houchins et al.

Joint affidavit of John W. Freeman and Wm. R. Freeman offered in support of the Mississippi Choctaw case of Drucilla Freeman, et al.

Milley Ann Evans
Copy of marriage certificate between Henry C. Loford and ~~Milley Ann Evans~~, offered in support of the Mississippi Choctaw case of Millie Ann Loford, et al.

Said papers have been filed in the respective cases.

Respectfully,

Chairman.

COPY. M. C. R. 6718.

Muskogee, Indian Territory, June 15, 1904.

Dracilla Freeman,

Oil Trough, Arkansas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, William R. Freeman and Edith O. Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

James Bixby.

Registered.

Chairman.

M.C.R. 6718.

Maskogee, Indian Territory, May 8, 1905.

Drucilla Freeman,

Oil Trough, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6718

No. R. 6718

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name Korrucilla Furman,

Age 27 - Blood 1/8

Post Office, Oil Trough, Ark.

Father: Wm J. Furman, d

Mother: Rachue J. " l

Claims through

father 1/4

~~Relationship -~~

William Hesterly, l. vv. is
 father of older child,
 John Briggsly, w. l. is
 father of 2nd child -

Children:

William E. Freeman, 4
 Edith O. " 16 m

Claims for self
 and 2 minors,
 Both illegitimate
 children -

Stenographer

W. H. Martin -

REFUSED

Drucilla Newman

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

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NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

Choctaw MCR 6719

Clarissa J. Gravenmier

MCR 6719

#6719.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
February 13, 1903.

In the matter of the application of Clarissa J. Gravenmier
for the identification of herself and her minor child, Daisy U.
Gravenmier, as Mississippi Choctaws.

Thomas and Harrison, attorneys for applicants.

Clarissa J. Gravenmier being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Clarissa J. Gravenmier.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Newport.
Q What state? A Arkansas.
Q How long have you lived in Newport? A About eight year.
Q Where were you born? A Douglas County, Missouri.
Q Did you go from Missouri to Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q What was his name? A John W. Freeman.
Q What was your mother's name? A Mary E. Turnbull.
Q That was her maiden name? A Yes sir, thats her maiden name.
Q Mary E Freeman? A Yes sir.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Do you claim your father was one eighth Choctaw blood? A Thats
what they always told me.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authori-
ties or the United states authorities in the Indian Territory?
A No sir, not that I know of.
Q Do you know when and where he was married to your mother? A
In Texas County, Missouri.
Q Do you know what date,-- do you want to file this marriage
certificate? A Yes sir.

Certified copy of marriage certificate of the marriage
of John W. Freeman and Mary E. Turnbull presented by this
applicant, received, filed, marked "Exhibit A", and made a
part of the record in this case.

- Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q He is an Indian, isn't he? A No sir, he's a white man.

Clarissa J Gravenmier-----2

- Q What is his name? A Charles M. Gravenmier.
Q Do you make any claim for him? A No sir.
Q How many children have you? A One.
Q What is the name of this child? A Daisy U. Gravenmier.
Q How old is she? A Six years old.
Q You claim for yourself and one child do you? A Yes sir.
Q Is Charles M. Gravenmier the father of Daisy? A Yes sir.
Q Are you and your husband living together as husband and wife, and this child living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and child as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall now lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of that treaty? I dont know.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeth Freeman.
Q What was her maiden name? A Alabeth Ball.
Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A Why, I dont know.
Q What relation was she to you? A My great grandmother.
Q You claim through your father, John W. Freeman? A Yes sir.
Q He claimed through whom? A Father.
Q What was his father's name? A William J. Freeman.
Q Did he claim through his father or mother? A His mother.
Q What was her name? A Alabeth Freeman.
Q And that was the Alabeth Freeman or Alabeth Ball that you claim through, your great grandmother? A Yes sir.

Clarissa J. Cravensmier-----3

- Q Did she go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and try to register or registered under article 14 of the treaty of 1830? A I dont know.
- Q Did she own or claim any land in that old Choctaw Nation in 1830 under article 14 of the treaty of 1830? A I dont know whether she did or not.
- Q Do you know whether she lived on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified, and then received a patent from the government for that land? A No sir, I dont know.
- Q Do you know whether she or any other Choctaw ancestor of yours went from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir, I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I dont know whether they did or not.
- Q Did any of your Choctaw ancestors go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of that treaty? A No sir, I reckon not.

These commissions were appointed under different acts of Congress to hear claimants who were Choctaw Indians, and who states that they had attempted to register under article 14 of the treaty of 1830, but because Colonel William Ward, the United States Indian Agent, had neglected or refused to register them the land which they occupied in the old Choctaw Nation had been taken from them and sold by the government at its public land sales. This caused so many complaints that these commissions were appointed to hear the cases of these Indian claimants who claimed that their lands had been taken from them.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas, and which was issued under an act of Congress approved August 23rd, 1842? A Not that I know of.

This scrip was issued to Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Is there anything more you want to say now in support of this claim? A No sir, not that I know of.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is John H. Bennight related to you? A Yes sir.
- Q What relation? A Second cousin.
- Q Is John F. Turnbull related to you? A Yes sir.

Clarissa J. Gravenmier-----4

- Q Do you want to have your case considered with the case of John H. Bennight? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, and also the case of John F. Turnbull, M C R 6509, are referred to for the purpose of consolidation.

Thirty days time is allowed this applicant for the purpose of introducing other testimony if she desires in support of this application.

By Mr Harrison, attorney for applicant:

- Q Did you ever hear any of the members of your family, especially the older ones, say anything about your great grandmother, Alabeth Freeman, trying to register in Mississippi before the agent in order to get lands in that state as a Choctaw Indian?

A I heard grandmother say she went back somewheres to get land; she never said what kind of land.

- Q That was your grandmother? A I heard her say that my great grandmother went back somewhere to get land and never got it.

- Q Where did she go? A She didn't say where she went; just went back to see about some land.

- Q When was that? A I dont know.

- Q Where was that? A I dont know where that was.

- Q Do you remember to have heard what year it was, or along about what date? A They went along about that date.

- Q You mean along about 1830? A Yes sir.

- Q Do you remember what state your great grandmother is said to have gone to for that purpose? A No sir? I dont.

- Q Is that all you know about it? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage. She has light brown hair, blue eyes, medium light complexion. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 13th day of February, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 2nd day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6719
M C R 6825

Muskogee, Indian Territory, July 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1903, enclosing affidavits of John and Ellen Hansberry in support of the Mississippi Choctaw case of Nithroe B. Brown.

Also certified copy of marriage license and certificate between Chas. Gravenmire and Clarissa Jane Freeman, offered in support of the Mississippi Choctaw case of Clarissa J. Gravenmier, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

OPY

M. C. R. 6719.

Muskogee, Indian Territory, June 15, 1904.

Clarissa J. Gravenmier,
Newport, Arkansas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Daisy U. Gravenmier.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(ORIGINAL)

Tanis Bixby.

Chairman.

Registered.

M.C.R. 6719.

Muskogee, Indian Territory, May 8, 1905.

Clarissa J. Gravenmier,
Newport, Arkansas.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6719

No.

6719

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name *Lauria Gravemier*

Age 27- Blood 1116

Post Office, Newport, Ark.

Father: John W. Freeman, d.

Mother: Mary E. " - d.

Claims through father $\frac{1}{8}$ -

Husband.

Charles M. Gravemier, s. w.

No claim for husband

Children:

Daisy U. Gravemier 6

Claims for self and
one child*H. H. Martin*

RECEIVED JUN 15 1904 R. 67
REFUSED

Clarissa J. Sharnmiller
DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW

R^L

6255

Choctaw MCR 6720

William R. Freeman

MCR 6720

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, February 14, 1903.

In the matter of the application of William R. Freeman for the identification of himself and his six minor children Charles, Sarah Frances, Herbert E., Thomas M., Leonard and Joseph B. Freeman as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant represented by Mr. Harrison.

William Freeman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William R. Freeman.
Q What is your age? A Fifty four.
Q What is your post office address? A Topaz, Missouri.
Q How long have you lived there? A I was raised that you might say.
Q Have you always lived in Missouri? With the exception of about four years.
Q Where did you live during that time? A In Kansas.
Q Where you born in Missouri? A Yes sir.
Q And you went from Missouri to Kansas and stayed two years and then went back to Missouri? A No, I was a little mistaken in that - betwixt sixty three and four, I was away from that country a little.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Daniel Freeman.
Q What was your mother's name? A Sarah Jane Freeman.
Q Through which parent do you claim Choctaw blood? A My father's side.
Q How much do you claim? A One eighth.
Q You claim your father was one fourth Choctaw blood?
A Yes, my father was one fourth.
Q You claim one eighth and he was one fourth Choctaw blood?
A Yes, sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No, sir, I don't think he was.
Q Do you know when your father and mother were married? A No, sir, I don't; the records was destroyed.
Q Do you know where they were married? A No sir, I just cant tell you, exactly; it was either in North Carolina or Mississippi one; I cant tell you which.
Q You have 'nt the proof of that marriage with you? A No sir; he has it; I was a little too fast; they were married in Missouri.
Q Where in Missouri were they married? A It was Ozark at that time I think.
Q Tell me the day of the month and the year of that marriage.
A Well sir, I just cant tell it.
Q Were they married by a minister under a license?
A I do not know exactly; I missed some papers that I aimed to fetch; they had such as that; my brother aimed to come with me and we had connection some how.
Q Is your wife living? A No sir.

- Q have you any children under twenty one and unmarried? A I have six unmarried and two living that's married over age.
- Q You have six under age and unmarried? A yes sir.
- Q What was your wife's name? A Delphia Freeman; she was Adams before she married.
- Q She is dead? A Yes, sir.
- Q What was she; a white woman or Choctaw Indian? A White woman
- Q How long has she been dead? A Last August the twentieth of last August was a year ago.
- Q Have you minor children under age and unmarried that you want to make application for? A Yes, sir, six.
- Q Give me the name of the oldest. A Charles R. Freeman.
- Q How old is Charles? A Nineteen.
- Q Not married is he? A No sir he aint married.
- Q What is the name of the next child? A Sarah Frances.
- Q How old is Sarah? A Seventeen.
- Q Next? A Herbert E.
- Q How old? A Fifteen.
- Q The next? A Thomas M.
- Q How old? A Thirteen.
- Q The next? A Leonard Freeman. Eleven.
- Q Next? A Joseph B.
- Q How old? A Eight.
- Q Is that all? A That's all.
- Q Is Delphia Freeman the mother of these children? A Yes, sir
- Q These children are all living with you at your home? A yes sir.
- Q And they claim their Choctaw blood through you not through their mother? A Through me.
- Q Have you the proof of your marriage with your wife here?
- A No sir I haven't got it here.
- Q Can you tell when you were married to her? A I was married in seventy three.
- Q What day of the month? A The first day of February if I mistake not.
- Q What place? A In Douglas County Missouri - Topaz.
- Q Were you married by a minister? A By a minister; there was no license at that time.
- Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, I haven't.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 18, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir I haven't.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes, sir.
- Q Do you understand that article? A I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six

hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article, do you know? A No sir, not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Freeman.
- Q What was her maiden name? A Ball.
- Q What was her husband's name? A Aaron Freeman.
- Q How much Choctaw blood did she have? A She claimed she had one half.
- Q Was she your grandmother? A Yes sir.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I can't exactly answer the question; she either lived in Mississippi or North Carolina, one of the two; I can't say which.
- Q Where was she born? A I can't tell you?
- Q Do you know when she was born? A No sir I don't know; I have no record of it.
- Q Where and when did she die? A Well she died in Missouri.
- Q What date. A I can't tell you.
- Q How old would she be if she were living now? A I don't know.
- Q Can you give approximately her age? A She would be over a hundred, years old if she were living.
- Q Then she was a woman at least thirty years old at the time the treaty was made? A I cannot tell you exactly but she must have been.
- Q She must have been a grown woman. A She must have been close to it or about grown.
- Q Do you know whether any of your Choctaw ancestors Alabeath Freeman or any other lived on land in the old Choctaw Nation either in Mississippi or Alabama for five years and if at the end of that time she received a patent or deed from the government for that land? A No sir I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know anything about.
- Q Did any of your Choctaw ancestors go to Colonel Ward the United States Indian agent within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of that treaty? A No sir not that I know anything of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir, not that I know of; that was before I was born.
- Q Or did any of them go at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A No sir

not that I know of.

- Q Did any of your Choctaw ancestors Alabeath Freeman or any other go before a Commission appointed by act of Congress approved March 3, 1837 or August 23 1842 and claim any benefits before either of these two commissions under article fourteen of the treaty of 1830? A No sir not that I know of.

These two commissions were appointed to hear Indian claimants who stated that they had gone to Colonel Ward within six months from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but because Colonel Ward had refused to allow them to register their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Did you ever hear whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas?
A No sir I never heard of any.

This scrip for land or these certificates were issued under act of Congress approved August 23 1842

- Q Do you speak or understand the Choctaw language? A No sir I don't understand it.

Thirty days time is allowed this applicant to introduce other proof in this case.

- Q What relation are you to John H. Bennight. A A cousin.
Q Do you want to have your case considered under his application
A Yes sir.

The case of John H. Bennight et al M.C.R. 6255 is referred to for the purpose of consolidation. The case of John F. Turnbull M.C.R. 5599 is also referred to in this connection.

- Q Is John F. Turnbull also a cousin of yours? A Yes, sir.
Q First cousin? A Yes, sir.

Examination by Mr. Harrison:

- Q Have you never heard that your grandmother Alabeath Freeman in 1830 or 1831 made some effort to get land in Mississippi as a Choctaw Indian? A Well I've heard they went back from North Carolina to Mississippi along about some time betwixt 1830 and 1833 but I don't remember whether it was for land or what; she went from North Carolina to Mississippi and back is what I've heard.
Q Have you heard what they went back for? A Well I never heard none of them say; none of the old ones.
Q What information you have about this matter is such as you have learned from conversations with the various members of your family isn't it? A Yes; it was some time after my father moved to Missouri -- my grandmother -- there was one bunch I suppose we called Choctaws come about two miles and a half from where we lived and they passed backwards and forwards;.
Q Did they visit your grandfather? A Yes, sir.
Q Where did they come from -- those Indians? A I've heard them

say that they was Choctaws but where they come from I cant tell you; I don't remember that part of it.

Q Do you have any recollection of your grandmother A I remember seeing her.

Q Can you describe her appearance? A Well, no, I was small but as well as I remember she was rather a little bit heavy set, black eyed and dark skinned and right black hair; now that's the description as high as I can give it; I was small

Q Did she speak the Choctaw language? A I do not remember anything about that part.

Q Do you remember hearing her say anything about herself as a Choctaw Indian? A No sir, I do not; I wasn't there no great sight with my grandmother; I suppose I was ten or twelve years old, something along about there, maybe thirteen when she died.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; black eyes; medium dark complexion; mustache and whiskers are gray; he has no knowledge of the Choctaw language--

Q You don't speak Choctaw? A No sir.

Has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 28th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 28th day of February 1903.

Charles H. Sawyer

Notary Public.

M C R 6710
M C R 6720

Muskogee, Indian Territory, March 21, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing joint affidavit of Wm. R. Freeman and Daniel S. Freeman relative to the marriage of John W. Freeman to Julia Jones, offered in support of the application made by John W. Freeman for the identification of himself and minor children as Mississippi Choctaws.

Also the affidavits of William Jones, Isah Collins, Rachel J. Freeman, Nancy Eton, Alabeth Johnson, Rachel Collins and John F. Turnbull, relative to the marriage of Daniel Freeman and Sarah Taylor, offered in support of the application of John W. Freeman, et al., for identification as Mississippi Choctaws.

Also the joint affidavit of Daniel S. Freeman and John W. Freeman, relative to the marriage of William R. Freeman and Delphia Adam, offered in support of the application made by William R. Freeman for the identification of himself and minor children

T & H 2

as Mississippi Choctaws.

The several affidavits, above mentioned, have been filed
in the respective cases.

Respectfully,

Chairman.

COPY.

M. C. R. 6720.

Muskogee, Indian Territory, June 15, 1904.

William R. Freeman,
Topas, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Charles R. Freeman, Sarah Frances Freeman, Herbert R. Freeman, Thomas M. Freeman, Leonard Freeman and Joseph B. Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
SIGNED

James Bixby.

Chairman.

Registered.

M.C.R. 8720.

Muskogee, Indian Territory, May 6, 1905.

William R. Freeman,
Tepan, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6720

No. 6720

For Identification as a Mississippi Choctaw.

Date

FEB 12 1893

Name William R. Freeman

Age 54 - Blood 1/8 mm

Post Office, Topaz, Mo -

Father: Daniel Freeman, d.

Mother: Sarah J. " d.

Claims through father, 1/4

Wife.

Delphia Freeman (d). w

Children:

Charles R. Freeman, 19.

Sarah F. " 17.

Herbert E. " 15.

Thomas M. " 13

Leonard " 11

Joseph B " 8

Claims for self &
6 minors

Stenographer

Clara Mitchell Wood

R. 672

REFUSED

William P. Brown

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION FORWARDED APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS FOR INDIAN AND CHILICOTTE NATIONS

JUN 15 1904

RECORD FORWARDED DEPARTMENT. AUG 15 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 15 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT

MAY 15 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR INDIAN AND CHILICOTTE NATIONS

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR INDIAN AND CHILICOTTE NATIONS

6255

Choctaw MCR 6721

Bennett Freeman

MCR 6721

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 14, 1903.

In the matter of the application of Bennett Freeman for the identification of himself and his minor children Trelley A., William Jesse and Minnie Freeman as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant represented by Mr Harrison.

Bennett Freeman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bennett Freeman.
Q What is your age? A Thirty three.
Q What is your post office address? A Omba, Missouri.
Q How long have you lived there? A I've been raised there.
Q Is your father living? A No sir.
Q Mother? A Yes, sir she's living.
Q What was your father's name? A William J. Freeman.
Q What is your mother's name? A Rachel J. Freeman.
Q Do you claim through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one fourth? A Yes, sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian territory?
A No sir.
Q Have you the proof of the marriage of your father and mother here now? A Yes, sir.
Q It has been filed? A Yes, sir.
Q It was filed in the case of whom? A I believe it was Alois Reese.
Q Number 6716; then you wish to refer to that case in order to have the benefit of that testimony or whatever documents are filed in the case? A Yes, sir.
Q Is she a relation of yours? A Yes, sir she's a sister of mine.
Q Is your wife living? A No sir she's dead.
Q Is she the mother of these children you wish to apply for?
A Yes, sir.
Q She was a white woman? A Yes, sir.
Q What was her name? A Ollie.
Q Give me the names of your children beginning with the oldest.
A The oldest one is Trelley A.
Q Boy or girl. A Boy.
Q How old? A Seven years old.
Q The next? A William Jesse.
Q Boy? A Yes sir.
Q How old? A Five.
Q Next? A Minnie.
Q How old? A Three.
Q Do you claim for yourself and these three children? A Yes, sir.

- Q When were you married to her? A March 9, 1895.
Q Have you the proof of this marriage with you? A Yes, sir.
Q Do you wish to file this proof? A Yes, sir.
Q Is this the original marriage certificate? A Yes, sir.

The original certificate of marriage of Bennett Freeman and Ollaf May is presented by this applicant, received filed March Exhibit A and made part of the record in this case.

- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? for yourself and children?
A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission to be identified at this time as a Mississippi Choctaw with your children?
A Yes sir.
Q Do you claim for yourself and children under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A Yes sir I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six

hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty or not? A No sir.
Q What is the name of your ancestor through whom you make this claim for identification as a Mississippi Choctaw? A Alabeath Freeman.
Q What was her maiden name? A Ball.
Q Did she marry Aaron Freeman a white man? A Yes, sir.
Q How much Choctaw blood did she have? A Half.
Q What relation was she to you? A She was my grandmother.
Q You claim through your father William J. Freeman? A Yes, sir.
Q And William J. Freeman was her son by Aaron Freeman?
A Yes sir.
Q Your father then is one fourth Choctaw blood? A Yes sir.

- Q Now your grandmother is an ancestor not very remote from you; do you know whether she lived in Mississippi or Alabama at any time? A No sir I dont.
- Q How long have you heard that she lived there - in either state; in the old Choctaw Nation at any time? A I dont know anything about that; it's so far back and I have no records.
- Q Didn't you ever hear anything in the family as to whether or not they lived in the old Choctaw Nation and had a family there then? A No sir; I don't think I ever did.
- Q Do you know whether she went to the United States Indian agent within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty? A No sir I dont know.
- Q Do you know whether any of your Choctaw ancestors - Alabeath Freeman or any other lived on land in the old Choctaw Nation either in Mississippi or Alabama five years and then received a patent from the government for that land? A No sir.
- Q Do you know whether any of your Choctaw ancestors claimed any land in the old Choctaw Nation and lived on land in that old Choctaw Nation in 1830? A No sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty or at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of establishing a permanent residence in the Choctaw Nation Indian Territory? A No sir I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know anything of.
- Q Did any of them go before a commission appointed by act of Congress approved August 23 1842 or March 3 1837 and claim any benefits under article fourteen of the treaty of 1830? A I dont know.
- Q You have heard the description of these two commissions have you several times? A Yes sir.
- Q And you know why they were appointed do you not? A Yes sir.
- Q You know they were appointed to hear Choctaw Indians who tried to register under article fourteen and failed to register and afterwards lost their land; you understand that? A Yes sir.
- Q And you never heard whether any of your Choctaw ancestors went before either of them or not for that purpose? A No sir.
- Q Now do you understand about this question of scrip being issued to Choctaw Indians and why it was issued under act of Congress approved August 23 1842? A No I dont exactly understand that.

This scrip was given to Choctaw Indians under that act of Congress of August 23 1842 who had proved their rights under article fourteen of the treaty of 1830 and also proved to the satisfaction of this commission that their land had been taken from them by the government and sold. As they were entitled to land and their land had been taken from them and sold this scrip was issued and empowered them to select land in Mississippi Alabama Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors receive any such scrip?

- A Not that I ever knew anything of.
Q Do you speak or understand the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A Yes sir.
Q What relation? A Cousin.
Q Do you want to have his case considered with yours? A Yes sir

The case of John H. Bennight M.C.R. 6255 is here referred to for the purpose of consolidation.

- Q What relation is John F. Turnbull to you? A Cousin.
The case of John F. Turnbull M.C.R. 6569 is here referred to

Thirty days time is allowed for the introduction of other proof in this case.

Examination by Mr. Harrison.

- Q Have you never heard it talked by members of your family that your grandmother in 1830 or in 1831 or about that time attempted to get any rights or to register in Mississippi for the purpose of taking land in Mississippi as a Choctaw Indian? A Why I've heard my father tell about my father's sister - his oldest sister telling him about staying at home and keeping my father when he was two years old, and they went somewhere to see about land -- grandfather and grandmother - they was gone quite a while.
Q How old would your father be if he were living? A About seventy five.
Q And how old was he at that time? A He was two or three years old.
Q You don't remember having heard where your grand parents went? A No sir.
Q Where did they go from? A I cant tell you? that either.
Q You have no recollection of your grandmother? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; brown mustache; ruddy and medium dark complexion; brown eyes; does not understand the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 14th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 28th day of February 1903.

Charles W. Sawyer

Notary Public

Muskogee, Indian Territory, March 20, 1903.

Bennett Freeman,

Omba, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you ask that your marriage license filed in support of the application made by you for the identification of yourself and minor children be returned to you.

In compliance with your request your marriage license is herewith returned you, a certified copy of the same having been made and filed with the record in your case.

Respectfully,

Chairman.

COPY. M. C. P. 6721.

Muskogee, Indian Territory, June 15, 1904.

Bennett Freeman,

Omaha, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Trelley A. Freeman, William Jesse Freeman and Minnie Freeman.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

• Chairman.

Registered.

M.C.R. 6721.

Muskogee, Indian Territory, May 8, 1905.

Bennett Freeman,

Ozba, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6721

No. 6721

For Identification as a Mississippi Choctaw.

Date FEB 14 1903

Name Bennett Furman

Age 33 — Blood $\frac{1}{8}$

Post Office, Omba, Mo.

Father: Wm J. Furman, d

Mother: Rachel J. " x l.

Claims through father $\frac{1}{4}$

Wife.

~~Olio~~~~at. w~~

Olaf Furman (d) w

Children:

Trelley A. Furman M. 7

William J. " " 5

Minnie " " 3

Claims for self
and 3 minors

Stenographer Elva Mitchell Wood

R. 672

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 1 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS

6355

Choctaw MCR 6722

Sarah J. Snow

MCR 6722

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Sarah Jane Snow, et al.,
for identification as Mississippi Choctaws, M.C.R. 6722.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Sarah Jane Snow, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Jesse B. Branum-----	7
Decision of the Commission refusing the application of Sarah Jane Snow, et al., for identification as Mississippi Choctaws-----	8

---o---

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 14, 1903.

In the matter of the application of Sarah Jane Snow for the identification of herself and her two minor children Viola and Dewey Colvin as Mississippi Choctaws.

Sarah Jane Snow being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Jane Snow.
Q What is your age? A Thirty two.
Q What is your post office address? A Haileyville, Indian Territory.
Q How long have you lived in Haileyville? A Two years.
Q Where did you live before that? A At Krebs.
Q How long have you lived in the Indian Territory? A Ever since I was seven years old.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Sunflower County.
Q Did you go from there to the Indian Territory? A Yes, sir.
Q With your father and mother? A With my mother.
Q Father died in Mississippi? A Yes, sir.
Q How long has your father been dead? A He died in seventy seven.
Q What was his name? A Daniel Johnson.
Q Is your mother living? A No sir.
Q What was your mother's name? A Agnes Johnson.
Q Do you claim through your father or mother? A Through my father.
Q How much Choctaw blood do you claim? A One fourth.
Q Was your father one half Choctaw Indian? A Yes, sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know.
Q He never lived in the Indian Territory did he? A Yes, he was brought here when he was two years old.
Q And lived here how long? A Till he was twelve years old.
Q And then went where? A To Mississippi.
Q And stayed there till he died? A Yes sir.
Q Who brought him to the Indian Territory? A His father and mother.
Q What was his father's name? A Salathiel Johnson.
Q Was he a Choctaw Indian? A Yes sir.
Q Was Salathiel Johnson's wife a Choctaw Indian? A No sir.
Q What was her name? A Kizzie.
Q That was a white woman? A Yes sir.
Q How much Choctaw blood did Salathiel have? A Full blood.
Q He was your grandfather? A Yes, sir.
Q You say he came to the Indian Territory and brought your father when he was two years old? A Yes sir.
Q And Salathiel Johnson lived and died in the Choctaw Nation Indian Territory? A Yes sir.

- Q Where? A I cant tell you where at.
- Q When Salathiel Johnson came to the Choctaw nation Indian Territory did his wife come with him? A Yes, sir.
- Q And any other children besides your father? A Yes, sir, there was others of them.
- Q Do you know whom? A There was Masbn and Dick and Jim; I don't know how many of the children there were of them.
- Q How old was Salathiel Johnson when he died? A I cant tell you; I expect though he was somewhere about fifty or sixty somewhere.
- Q When did he die? A He died when my father was eleven years old; I don't know how old he was.
- Q Did he die before the war or after the war? A After the war.
- Q About how long after the war did he die; ten years ago or twenty or thirty? A He died two or three years after the war.
- Q You think within five years after the war? A Yes sir, somewhere about that.
- Q And therefore you think he died before the the year 1870; the war was ended in sixty five. A Yessir he died before I was born.
- Q If he died about 1870 that would be thirty two years ago and if at that time he was fifty years old he would be eighty three years old now and if at the time of his death he was sixty years old he would be ninety three years old now. Now do you know whether Salathiel Johnson lived in Mississippi in 1830 - that's seventy three years ago and had a family there at that time? A Yes sir; he taken his family from there in 1830.
- Q He took his family from there in 1830; do you know exactly the date? A No sir, I don't but it's somewhere about that time.
- Q And did he take his family directly to the Indian Territory, Choctaw Nation? A Yes, sir, they come out under the treaty.
- Q Do you know when your father and mother were married? A They were married in sixty seven.
- Q What day of the month and year? A I cant tell you.
- Q Were they married by a minister under a license or marriage according to the Choctaw law or custom? A They didn't have any license then.
- Q Is there any record of that marriage anywhere that you know of? A No sir; I don't know of any.
- Q Have you any proof or evidence or witnesses which can substantiate the fact of their marriage? A No sir.
- Q It will be necessary for you to show the marriage of your father and mother if you can. A Well that paper there is the nearest that I can give that; I don't know anything about it.
- Q You mean some paper signed by Jesse Brenum? A Yes sir.
- Q You have such a paper in the possession of the Commission have you? A Yes sir.
- Q Are you married? A I'm a widow.
- Q What was your husband's name? A Charles Snow.
- Q How long has he been dead? A He isn't dead.
- Q You can't be a widow then; you were married twice were you? A Yes, sir.
- Q Your first husband was Charles Snow? A No sir, his name was

Artie Colvin.

- Q He's dead is he? A Yes, sir.
- Q Did he have any Choctawblood? A No sir.
- Q He was a white man was he? A Yes sir.
- Q Then you married again did you? A Yes sir.
- Q What's the name of your second husband? A Charlie Snow.
- Q Living? A Yes, sir.
- Q Are you living with him? A No sir.
- Q Are you divorced from him? A No sir.
- Q You are just separated? A Yes sir.
- Q Did he leave with you? A Yes, sir.
- Q He's a white man is he? A Yes, sir.
- Q You don't make any claim for your husband? A No sir.
- Q Have you any children by your first husband? A Yes, sir.
- Q Have you any by the second? A No sir.
- Q Give me the name of your oldest child under age and unmarried
- A Viola Colvin.
- Q How old is Viola? A Twelve.
- Q The next? A Dewey.
- Q How old? A Four years old.
- Q Any others? A No sir that's all.
- Q You have two children? A Yes, sir, just two.
- Q Your first husband Artie Colvin is the father of these two children? A Yes sir.
- Q And you have no children except these two? A No sir.
- Q When and where were you married to your husband; do you remember? A South McAlester.
- Q I mean your husband who was the father of these children.
- A South McAlester.
- Q Are these children living with you at your home?
- A Yes, sir.
- Q And you are supporting them? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you send some papers to the Commission about two weeks ago
- A Yes, sir.
- Q And they are now in the possession of the Commission? A I suppose so.
- Q What papers did you send? A I send the affidavit of Jesse Brennum and the proof of my children; the commissioner told me I would have to have my children sworn to being mine and I had them sworn to and sent the papers in.
- Q But you had made no application yourself; this is your first application for yourself and children? A Yes sir.
- Q If you make application to the commission these papers will be filed with the records in this case.
- Q Have you ever made application for citizenship in the Choctaw nation for yourself and children to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q You never have been enrolled as a Choctaw Indian by any authority whatever or had your children enrolled? A No sir.
- Q This is your first application of any kind? A Yes, sir.
- Q For yourself and children? A Yes sir.
- Q Do you want to be identified as a Mississippi Choctaw and do you want to identify these children as Mississippi Choctaws?
- A Yes sir.
- Q Do you claim for yourself and them under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

A treaty is a compact or contract in writing made between different nations instead of between individuals and an article in a treaty is one of its paragraphs or subdivisions.

Such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of that treaty made at that time was to get the consent of the Choctaw Indians who lived in the old Choctaw Nation, (partly in Mississippi and partly in Alabama) to go from that old Choctaw Nation to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in that old Choctaw Nation article fourteen was put into the treaty of 1830; now the fourteenth article is a paragraph or subdivision of the treaty of 1830 and was put into that treaty for the special benefit of Mississippi Choctaws; that is the article under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty or not? A No sir.
- Q Can you go back further than Salathiel Johnson your grandfather for your Choctaw blood? A No sir.
- Q You say his wife Rizzie was a white woman? A Yes sir.
- Q And Salathiel Johnson your grandfather was a full blood? A Yes sir.
- Q And your father's father? A Yes sir.
- Q He lived in Mississippi in 1830 and had a family there then? A Yes, sir.
- Q Did he go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and tell him, the United States Indian agent that he wanted to stay in Mississippi take land there and become a citizen of the states, or don't you know? A I don't know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama a five years and then get a patent from the government for that land? A I can't say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836? A I don't know.

- Q Did you say your grandfather took his family and went?
A Yes, sir, he went.
Q Did he go straight from Mississippi to the Choctaw Nation?
A Yes, sir.
Q And settled where? A I don't know where.
Q Do you know whether Salathiel Johnson your grandfather was ~~moved from the old~~ Choctaw Nation by the government and at the government's expense? A Yes sir.
Q In what year did he and his family go to the Choctaw Nation Indian Territory? A 1830 I think.
Q 1830 was the time the treaty was made; 1831 was the time when it was ratified and the Indians removed from the old Choctaw Nation and went to the Choctaw Nation Indian Territory a year or two after that. That is, they went some time during the years between 1833 and 1838; can you tell exactly when they did go to the Choctaw Nation Indian Territory?
A No sir; all I know is what I've heard ~~mamma~~ say after papa died.
Q What did she say. A She said the government had them moved from Mississippi out here, and grandpa was with them and papa was just two years old.
Q Could your father Daniel Johnson speak the Choctaw language.
A Yes sir I think he could.
Q Did you ever hear him? A No sir I never did.
Q How old were you when he died? A I was seven years old.
Q You don't remember him very well? A No sir.
Q Was he dark or light. A He was real dark.
Q What do you know about his being able to speak the Choctaw language from your personal recollection or what your mother told you. I heard ~~mamma~~ say he could speak the language.
Q Do you know whether his father Salathiel Johnson could? A No sir I don't know.
Q Who told you that Salathiel Johnson was a full blood?
A Mamma; and then I've heard grandpa say so.
Q It's family history and tradition is it? A Yes, sir.
Q You have no records of any kind? A No sir; none whatever.
Q Do you know whether Salathiel Johnson owned any improvements on land in that old Choctaw nation in 1830? A No sir I do not.
Q Did you ever hear that he went to Colonel Ward and tried to register under article fourteen of the treaty of 1830?
A No sir.
Q But you are sure he went to the Choctaw Nation Indian Territory under the treaty with the other Indians? A Yes sir.
Q You say your father came to the Choctaw nation when he was two years old or about that; did he live always in the Choctaw Nation or did he go away? He went back to Mississippi when he was twelve years old.
Q And died there? A Yes sir.
Q Did you ever hear that any of your Choctaw ancestors Salathiel Johnson or any other went to a commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
Q You don't think he could have done that do you because you say he went some time after the ratification of the treaty of 1830 - between that date and 1838 - he went to the Choctaw Nation Indian Territory under the treaty. A He came when the

Indians came.

- Q Therefore you don't think he went before the Commission in 1837 or in 1842 in Mississippi? A No sir I don't know whether he did or not; I can't say.
- Q Did he or any Choctaw ancestor of yours receive any scrip from the government which entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of; they didn't.

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there ~~anything~~ more you want to testify now - any other statements you want to make? A No sir not that I know of.
- Q Do you know when your father Daniel Johnson died? A He died in seventy seven.
- Q In what county did you live in Mississippi? A Sunflower.

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This applicant has the appearance and physical characteristics of being descended from white parentage except that she has a dark complexion; brown hair and brown eyes; in the opinion of the Commission she shows some strain of other blood than white and she claims that it is Choctaw Indian blood; the Commission is of the opinion that she has some Indian blood but the white blood predominates; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 2nd day of March 1903

Charles H. Sawyer

Notary public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Jane Snow, et al.,
for identification as Mississippi Choctaws, M.C.R. 6722.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sarah Jane Snow for herself and her two minor children, Viola Colvin and Dewey Colvin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Salathiel Johnson, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Salathiel Johnson, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Sarah Jane Snow, Viola Calvin and Dewey Calvin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.
Chairman.

(SIGNED)

T. B. Needles.
COMMISSIONER.

(SIGNED)

C. F. Breckinridge.
COMMISSIONER.

(SIGNED)

W. E. Stanley
COMMISSIONER.

Muskogee, Indian Territory,

AUG 4 1903

Muskogee, Indian Territory, February 24, 1903.

H. L. Coleman,

Haileyville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you give the names of William S. Johnson and Daniel Johnson as the Choctaw ancestors of Mrs. Sarah J. Snow. You ask if their names appear upon the old Choctaw rolls and if there is any chance for Mrs. Snow to be enrolled.

In reply to your letter you are informed that the records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, and who received land and scrip thereunder, have been carefully searched, and the names of William S. Johnson and Daniel Johnson do not appear thereon.

You are further advised that Sarah J. Snow, thirty-two years of age, residence Haileyville, Indian Territory, appeared before this Commission on the 14th instant and made application for the identification of herself and two minor children as Mississippi Choctaws, claiming such rights under the provisions of the fourteenth article of the Choctaw treaty of 1830 herein referred to.

The Commission requires of applicants for identification

H L C 2

as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of the said treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield McMurry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Jane Snow et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jane Snow, Viola Colvin and Dewey Colvin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Sarah Jane Snow,
Haileyville, Indian Territory.

Dear Madam:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Jane Snow et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

" It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jane Snow, Viola Colvin and Dewey Colvin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S. J. E. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, August 15, 1903.

Sarah Jane Snow,

Mineo, Indian Territory.

Remailed to Neal C. C. O. Oct 26/03
mailed. Hartsfield, I. T. Sept. 16, 1903.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 31st ultimo, enclosing unsigned affidavit in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

In reply you are informed that on August 4, 1903, the Commission rendered its decision refusing your application for the identification of yourself and minor children as Mississippi Choctaws, and on the same date you were notified that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on August 19, 1903. On August 20, 1903, the record in your case, together with such arguments as may be submitted in support of your claim will be forwarded to the Secretary of the Interior.

The affidavit enclosed by you is herewith returned as it does not bear the signature of the affiant or the notary public,

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and would therefore in no way benefit your case.

Respectfully,

Commissioner in Charge.

Mem IX

COPY.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sarah Jane Snow, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(S.G. 110)

T. D. McCallister
Commissioner in Charge.

Through the Commissioner of Indian Affairs.
2 Enc. M.C.R. 4722.

Muskogee, Indian Territory, October 12, 1903.

Mrs. Sarah Jane Snow,
Neal, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 27, 1903, asking what action has been taken in the matter of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on August 4, 1903, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, notice of which was forwarded you by registered mail at Haleyville, Indian Territory and was returned to this office unclaimed and the same is again mailed you to-day, under separate cover. On August 20, 1903, the record in your case was forwarded to the Secretary of the Interior and the Commission has not yet been advised of Departmental action therein.

Respectfully,

Chairman.

M C R 6722

Muskogee, Indian Territory, October 26, 1903.

Sarah Jane Snow,
Neal, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

As advised in our letter of October 12, 1903, the record in your case was, on August 20, 1903, forwarded the Secretary of the Interior, and up to the present time the Commission has not been informed of the decision of the Secretary in your case. You will be duly notified of any departmental action taken in the matter of your application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, November 7, 1903.

Land. 54347-1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Sarah Jane Snow, for herself and her two minor children, Viola Colvin and Dewey Colvin, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The record testimony in this case shows that the applicants base their claim to identification on their descent from Salathiel Johnson, who is alleged to have been a full blood Choctaw, and a resident in Mississippi at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants August 4, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, and that it does not appear to them that they presented a claim to rights as Choctaw Indians to either of the Commissions appointed to adjudicate the claims of those having such rights, and for

the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Salathiel Johnson, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830; nor does it appear that he applied to the Commission appointed under the acts of March 3, 1837 and August 23, 1842, for the adjudication of his rights, if any he had, as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,

Commissioner.

CTC-O.

D.C. 32330.

DEPARTMENT OF THE INTERIOR.

RAF.

WASHINGTON, November 18, 1903.

ITD. 7994-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

August 20, 1903, you transmitted the record in the matter of the application for identification of Sarah Jane Snow and her minor children, Viola Colvin and Dewey Colvin, as Mississippi Choctaw Indians. Your decision refusing the application was rendered August 4, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Salathiel Johnson, alleged to have been a full blood Choctaw Indian, through his son, Daniel Johnson, who was the father of the principal applicant herein. It is alleged that Salathiel Johnson resided in Mississippi in 1830,

The record in this case and the records of the Indian Office fail to show that Salathiel Johnson complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

November 7th the Commissioner of Indian Affairs recommended approval of your decision. A copy of his letter is

-2-

inclosed herewith.

The Department has carefully considered the whole record and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6722.

COPY.

Muskogee, Indian Territory, November 30, 1903.

Sarah Jane Snow,
Neal, Oklahoma.

Dear Madam:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Jane Snow et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

W. B. Bixby.
Chairman.

M.C.R. 6722.

COPY.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Jane Snow et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

SIGNED *Tams Bixby.*
Chairman.

Muskogee, Indian Territory, January 20, 1904.

Bond & Melton,

Attorneys at law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised the status of the Mississippi Choctaw application of Sarah Jane Snow, et al.

In reply you are informed that on November 18, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made to this Commission by Sarah Jane Snow for the identification of herself and two minor children as Mississippi Choctaws, of which departmental action she was notified on November 30, 1903, at Neal, Oklahoma, her last known post office address. This letter, and others addressed to Sarah Jane Snow, which have been returned to this office marked unclaimed, have this day been forwarded to her at Chickasha, Indian Territory, in your care.

The Commission now considers this case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 1, 1904.

Mrs. Sarah Snow,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ultimo in which you make certain statements relative to your Choctaw ancestors, and ask if you can get your right as a Mississippi Choctaw.

In reply you are advised that on November 18, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were duly notified on November 30, 1903.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Waskagee, Indian Territory, July 19, 1904.

Mrs. Sarah J. Snow,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter dated June 9, 1904, in which you state that you understand the Indians are to be given a new hearing and you ask that a rehearing be granted in the matter of your application for identification as a Mississippi Choctaw.

In reply you are informed that as the Secretary of the Interior, on November 18, 1903, approved the Commission's decision denying the application made by you for the identification of yourself and minor children as Mississippi Choctaws, your case is now considered closed and the Commission has no authority to receive or consider further evidence in support of your claim.

Relative to a rehearing being given you in the matter of your application you are advised that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in 1830 and heads of families, and, as such, complied or

or attempted to comply with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is

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expected that they will testify.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 20, 1905.

Wallace Hendricks,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that one Mrs. Sarah Jane Snow has advised you that she and her two minor children, Viola and Dewey Calvin, have not been allowed to file as she, Mrs. Snow, appeared upon the records of the Commission as "dead." You ask to be advised whether such a person ever had a status with the Commission as a Mississippi Choctaw.

In reply you are informed that on November 18, 1903, the Secretary of the Interior approved the Commission's decision of August 4, 1903, refusing the application made by Sarah J. Snow for the identification of herself and two minor children, Viola Calvin and Dewey Calvin, as Mississippi Choctaws, of which departmental action the principal applicant was duly notified on November 30, 1903.

This case is considered closed and it is not believed that the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

You are further advised that the name of Sarah J. Snow

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does not appear upon our records as "dead."

Respectfully,

Chairman.

Muskogee, Indian Territory, July 18, 1905.

W. W. Wright,

Attorney at Law, Bond Bldg.,

Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 12, requesting to be advised if the name of Sarah Jane Snow appears upon the Choctaw rolls.

In reply you are informed it appears from the records of this office that on November 18, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered August 4, 1903, refusing the application for the identification of Sarah J. Snow, et al. as Mississippi Choctaws.

It does not appear that Sarah Jane Snow was ever enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Viola Colvin, born on the 12 day of Nov, 1890
(Here insert name of child.)
 Name of Father: Otta Colvin, a citizen of the Choctaw Nation ^{by marriage} Nation.
 Name of Mother: Sarah Jane Snow, a citizen of the Choctaw Nation.
 Post-Office: Waleyville S. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Central District District. }

I, Sarah Jane Snow, on oath state that I am 32
 years of age and a citizen, by Born, of the Choctaw Nation;
 that I am the lawful wife of Charley Snow, who is a citizen, by
Born, of the N. S. Nation, that a Female child was
(Male or female.)
 born to me on the 12 day of November, 1890; that said child has been
 named Viola Colvin, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Sarah Jane Snow
Harry Oglesby

Subscribed and sworn to before me this 2 day of Feb, 1902.

W. J. Oglesby

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Central District. }

I, Perney Spangler, a midwife, on oath state that I
 attended on Mrs Sarah Jane Snow, wife of Charley Snow ^{then the wife of Colvin},
 on the 12 day of Nov, 1890; that there was born to her on said
 date a Female child; that said child is now living and is said to have been
(Male or female.)
 named Viola Colvin.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Like Katy
Harry Oglesby

Perney Spangler

Subscribed and sworn to before me this 2 day of Feb, 1902.

W. J. Oglesby

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Henry Colvin (Here insert name of child), born on the 19 day of June, 1898
Name of Father: Otha Colvin, a citizen of the Choctaw Nation, by marriage
Name of Mother: Sarah Jane Snow, a citizen of the Choctaw Nation.
Post-Office: Wahynille I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Central District. }

I, Sarah Jane Snow, on oath state that I am 32
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of Charley Snow, who is a citizen, by
Birth, of the United States Nation, that a male child was
(Male or female.)
born to me on the 19 day of June, 1898; that said child has been
named Henry Colvin, and is now living.

WITNESSES TO MARK.

(Must be Two Witnesses)

Sarah Jane Snow
Harry Oglesby

Subscribed and sworn to before me this 2 day of Feb, 1903.

H. J. Oglesby

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, Perry Spangler, a Midwife, on oath state that I
attended on Mrs. Sarah Jane Snow, wife of Charley Snow,
on the 19 day of June, 1898; that there was born to her on said
date a male child; that said child is now living and is said to have been
(Male or female.)
named Henry Colvin.

WITNESSES TO MARK.

(Must be Two Witnesses)

Perry Spangler
Lee Katz
Harry Oglesby

Subscribed and sworn to before me this 2 day of Feb, 1903.

H. J. Oglesby

Notary Public.

6722

No. 6722

For Identification as a Mississippi Choctaw.

Date

FEB 14 1903

Name Sarah J. Snow

Age 32

Blood 1/4

Post Office, Baileyville, I. T.

Father; Daniel Johnson, d.

Mother: Agnes " d.

Claims through

Father - 1/2

Husband (1) Artie Colvin, d.

~~Charles Snow, d.~~

Husband (2)

Charlie Snow, l. - w.

No claim for husband

Children:

Viola Colvin, 12

Dewey " 4

Claims for self
and 2 children -

Stenographer Clara Mitchell Wood

Sarah J. Snow et al

RECEIVED

ACTION

RE

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RE

RE

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RE

RE

RE

FOR CHOCTAW

AND CHEROKEE NATIONS.

RE

DECISION PREPARED

Choctaw MCR 6723

Easter Pea

MCR 6723

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Easter Pea, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Easter Pea, et al.,	M.C.R. 6723
Cynthia Crawford, et al.,	M.C.R. 7059
Maggie Dickens, et al.,	M.C.R. 7060

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Easter Pea, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Statement of Hunter Pickens-----	6
Affidavit of Willi Binks-----	7
Original application of Cynthia Crawford, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	8
Joint affidavit of J. G. McCarrell and Sam Dailey-----	13
Original application of Maggie Dickens, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	14
Decision of the Commission refusing the applications in the consolidated case of Easter Pea, et al., for identification as Mississippi Choctaws-----	18.

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 14, 1903.

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In the matter of the application of Easter Pea for the identification of herself and her two minor children Melissa and Rena Pea as Mississippi Choctaws.

Easter Pea being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Raster Pea.
Q What is your age? A I expect somewhere about fifty nine.
Q What is your post office address? A Rem, I.T.
Q In what nation is it? A Chickasaw.
Q How long have you lived in the Chickasaw Nation? A About thirteen years.
Q Where did you live before that? A At Bonham.
Q In Texas? A Yes sir.
Q Where were you born? A Decatur County Mississippi.
Q Did you come from Mississippi to Texas? A From there to Arkansas.
Q And from there to Texas? A Yes sir.
Q And from Texas to the Indian Territory? A Yes sir.
Q Is your father living? A I dont know sir.
Q Is your mother living? A I cant tell you.
Q What was your father's name? A Squire Fitzgerald.
Q What is your mother's name? A Harriet Malvina.
Q Do you claim your Choctaw blood through your father or your mother? A Mother.
Q How much do you claim? A I cant tell you about that; my mother was somewhere about three fourths Indian.
Q Do you know exactly how much Choctaw blood your mother had?
A No sir I dont.
Q And you dont know how much you have? A No sir.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I dont remember.
Q What was your father's blood? A He was a negro I guess.
Q What was your mother's blood aside from her Choctaw blood; negro
A Yes sir.
Q Have you any white blood at all? A No sir.
Q You claim to have negro and Indian blood? A Yes sir.
Q Were your father and mother slaves? A Yes sir.
Q And were you? A Yes sir.
Q All of you were liberated during the war? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A Jim Pea.
Q Is he a negro? A Yes sir.
Q You dont claim for him do you? A No sir.
Q Give me the names of your children under age. A Melissa pea
Q How old is Melissa? A She seventeen or eighteen.
Q What is the name of the next child? A Rena.

- Q Both girls? A Yessir.
- Q How old is Rena? A She's somewhere between fifteen and sixteen.
- Q Is that all? A That's all I got with me; I got three more but they are married.
- Q Is Jim Pea the father of these children? A Yes sir.
- Q Are you and your husband living together as husband and wife and are these children living with you at your home? A Yes sir.
- Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application before? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir; didn't make none for the children; I made it for myself.
- Q When did you make application? A I made it then.
- Q This is the first time? A Yes sir.
- Q You make application for yourself and these two children? A Yes sir.
- Q You never made any before? A No sir.
- Q And you never have been enrolled as members of the Choctaw tribe have you? A No sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws. A Yes sir I guess so.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

In 1830 there was a treaty made between the United States government and the Choctaw Indians; this treaty was called the treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi; now the object of this treaty was to get all of the Choctaw Indians to go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go from the old Choctaw Nation to the Choctaw Nation Indian Territory to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who wanted to stay back in the old Choctaw Nation article fourteen was put into the treaty of 1830; then the treaty was signed and afterwards became ratified.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending

to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A You mean any witnesses?
- Q No, did any of your kin folks from whom you are descended comply with that article? A My sister.
- Q I mean your old folks from whom you are descended. A I don't know.
- Q Who do you claim your Choctaw blood through? A My mother.
- Q Do you know whether she got it from her father or mother? A No sir.
- Q You don't know anything about her father or mother? A No sir.
- Q You claim through your mother Harriet Melvina? A Yes sir.
- Q Now that's as far back as you can go is it? A Yes sir.
- Q Did your mother ever live in Mississippi? A Yes she she was bound to live there; I was born there.
- Q Did she ever live in Alabama? A No sir not as I know of.
- A No sir not as I know of.
- Q You were born in Mississippi? A Yes sir.
- Q Therefore your mother was bound to live there? A Yes sir; I think she come from some other place; somewhere about Memphis.
- Q How much Choctaw blood did your mother have? A About three fourths I think.
- Q Did she claim through both her father and mother? A No sir, I don't know.
- Q If her mother was a full blood and she claimed through her mother she would have one half; if her mother was a full blood and her father was a half blood Choctaw then she would have one half from her mother and one half from her father and that would make her three fourths; do you know anything about that? A No sir.
- Q Did your mother live in Mississippi in 1830 and have a family there at that time. A I can't tell you, I don't know.
- Q Did you ever have brothers and sisters older than your self. A One sister.
- Q How much older? A I think she was about two years older.
- Q But you are only fifty nine? A Yes sir, somewhere along there; I can't say for certain.
- Q Can you think of any other Choctaw ancestor of yours except your mother who lived in Mississippi in 1830 and had a family there then? A No sir I believe not.
- Q Your mother was a slave was she? A Yes sir.
- Q Do you know whether her father and mother were slaves? A Yes sir I reckon they was; I don't know about that.
- Q You don't know anything about her mother? A No sir.
- Q Do you know whether any of your Choctaw ancestors; your mother or any other went to Colonel Ward the United States Indian agent within six months after the treaty of 1830 was ratified and told him they wanted to stay in Mississippi take land and become citizens of the states? A No sir I don't know.
- Q Did your mother or any of your Choctaw ancestors

any land in the old Choctaw Nation, live on it five years after the treaty of 1830 was ratified and then get a patent from the government for that land A No sir not that I know of.

Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A No sir.

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1830 and 1838 or forty? A I dont remember that far back.

Q Or any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.

Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830? A I dont know.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any land or any rights under article fourteen of the treaty of 1830?

A Not that I know of.

These commissions were appointed in those different years under various acts of Congress to hear complaints of Indians who averred that they had gone before Colonel William Ward within six months of the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but because Colonel Ward refused to register them the Indians had their land taken from them by the government and sold.

Q Did you ever hear about that. A No sir.

Q Did any of your Choctaw ancestors have their land taken away that way? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold.

Q Do you speak Choctaw? A No sir, my mother could. She could talk it and I couldn't understand a word she would say; I've heard her talk with them.

Q Perhaps she was talking Hebrew. A Well it was Indians talking with her and she would be talking and he would laugh at her seeing she could understand what he said.

Q Was that another Indian? A Yes sir.

Q You think it was Choctaw? A Yes sir.

Q Have you any other evidence you want to give now in this case; any records - any papers. A I've got a witness named Charley Brown a full blood Indian.

Q You want to have him testify in this case? A He knows more about it than I do most because I was young.

Thirty days time is allowed this applicant for the introduction of the testimony of the witness Charles Brown, whose testimony this applicant claims is material to her case; also for the introduction of other proof if she desires to submit further proof under the rules of the Commission.

Exhibit No. 8.

This applicant has the appearance and physical characteristics of being descended from negro parentage mixed with other blood which she claims is Choctaw Indian blood; she has some other blood besides negro blood but her features are not at all heavy and coarse like the features of a full blood negro but rather thin; aquiline nose; thin lips; high cheek bones; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the fourteenth day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 2nd day of March 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, March 27, 1903.

Furman & Mathers,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the affidavit of
Willi Binks offered in support of the application made by Haster
Pea for the identification of herself and two minor children as
Mississippi Choctaws. Said affidavit has been filed with the re-
cord in this case.

Respectfully,

Chairman.

COPY:

Muskogee, Indian Territory, August 6, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Easter Pea, et al., embracing the following applications for identification as Mississippi Choctaws:

Easter Pea, et al.,	M C R 6723
Cynthia Crawford, et al.,	M C R 7059
Maggie Dickens, et al.,	M C R 7060

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the Opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Pea, Melissa Pea, Rena Pea, Cynthia Crawford, Osborn Hinds, Jimmie Hinds, Jessie Crawford, Isaac Crawford, Maggie Dickens, Allie Dickens and Lurena Dickens, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner of Indian Affairs.

COPY.

Indian Territory, August 1, 1903.

Dear Sir,

Re: Indian Territory.

Dear Sir:

You are hereby advised that on the 8th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Easter Pea, et al., embracing the following applications for identification as Mississippi Choctaws:

Easter Pea, et al.,	M C R 6723
Cynthia Crawford, et al.,	M C R 7039
Maggie Dickens, et al.,	M C R 7060

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Pea, Melissa Pea, Rena Pea, Cynthia Crawford, Osborn Hinds, Jimmie Hinds, Jessie Crawford, Isaac Crawford, Maggie Dickens, Allie Dickens and Lurena Dickens, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the Commission

E P 2

tions for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Neecâles.

Commissioner in Charge.

Registered.

Miss. Choctaw R6723

Muskogee, Indian Territory, August 21, 1903.

Easter Pea,

Ran, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 19, asking if your name has been enrolled as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on August 6, 1903, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on August 22, 1903, the record in the consolidated Mississippi Choctaw case of Easter Pea, et al. will be transmitted to the Secretary of the Interior. You will be advised in due time of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

COFY

Muskogee, Indian Territory, August 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Easter Pea, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Easter Pea, et al.,	M.C.R. 6723
Cynthia Crawford, et al.,	M.C.R. 7059
Maggie Dickens, et al.,	M.C.R. 7060

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

I. B. Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Bje. M.C.R. 6723

Miss. Chootaw
6723;7059;7060.

Muskogee, Indian Territory, August 22, 1903.

Sintha Crawford,

Harbar, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 1, 1903, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you ask if the enrollment of yourself and your children, Easter Pea and her children and Maggie Dickens and her children has been approved.

In reply to your letter you are informed that it appears from our records that Easter Pea, Cynthia Crawford and Maggie Dickens and their minor children are applicants to this Commission for identification as Mississippi Choctaws, and on August 6, 1903, the Commission rendered its decision refusing these applications, and the applicants were notified that they would be allowed fifteen days from that date within which to submit argument in support of their claims. On August 22, 1903, the record in these cases, together with any argument which may have been submitted, will be forwarded to the Secretary of the Interior.

Respectfully,

M C R 6723
M C R 7059
M C R 7060

Muskogee, Indian Territory, August 31, 1903.

Wiggins & Clark,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing joint affidavit of Cynthia Crawford, Easter Pea, and Maggie Dickens. You state that these persons did not receive their letters of notification in time to file argument in support of their claims and ask that the time allowed for this purpose be extended.

In reply you are informed that it appears from our records that on August 6, 1903, the Commission rendered its decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Easter Pea, et al., and on the same date they were notified by registered mail of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days from August 6, 1903, heretofore allowed the applicants in this case to file arguments, expired on August

W & C 2

21, 1903. On August 22, 1903, the record in said consolidated case, together with the decision of the Commission refusing the applications included therein, was forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior are granted under specific departmental instructions and cannot be extended.

The joint affidavit enclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

W&C 3

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
-: W A S H I N G T O N :-

December 12, 1903.

Land.
55456-1903.

The Honorable,
the Secretary of the Interior.

Sir:-

I have the honor to forward record of the Commission to the Five Civilized Tribes, in the matter of the consolidated applications of Easter Pea for the identification of herself and her minor children, Melissa and Rena Pea; Cynthia Crawford for herself and her four minor children Osborn, Jimmie Hinds, Jessie and Isaac Crawford; Maggie Dickens for herself and her two minor children Allie and Lurena Dickens as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission upon August 6, 1903.

All the applicants claim their right to identification as Mississippi Choctaws on their descent from Harriet Melvina Fitzgerald, the mother of Easter Pea. They have no knowledge as to the names of their more remote ancestors. It is claimed that Harriet Melvina Fitzgerald resided in Mississippi in 1830. As to whether she was the head of a Choctaw family or not, the

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applicants are unable to state. She was a slave and as to her status at that time, no testimony is adduced.

An investigation of the records of this office relative to the name of Harriet Melvina Fitzgerald has been made and her name has not been discovered among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty. I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

E.B.H.(B.)

(COPY).

DEPARTMENT OF THE INTERIOR,

WCF.
FHE.

WASHINGTON:- December 22, 1903.

D.C. 73-1904.
ITD. 8852-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

August 22, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Easter Pea, for herself and her two minor children, Melissa and Rena Pea; of Cynthia Crawford for herself and her four minor children, Osborn and Jimmie Hinds, and Jessie and Isaac Crawford; and of Maggie Dickens for herself and her two minor children, Allie and Lurena Dickens, including your decision of August 6, 1903, refusing to identify them as such.

The applicants trace their Choctaw descent from Harriet Melvina Fitzgerald, mother of the principal applicant, Easter Pea, it being alleged that said ancestor was a Choctaw Indian and that she resided in Mississippi in 1830.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Con-

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gress relating thereto.

Reporting in the matter December 12, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6723.

COPY:

Muskogee, Indian Territory, January 6, 1904.

Furman & Mathers,
Attorneys-at-Law,
Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Easter Pea et al.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

M.C.R. 6723.

COPY.

Muskogee, Indian Territory, January 6, 1904.

Wiggins & Clark,

Attorneys-at-Law,

Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Master Pea, et al.,

Respectfully,

(SIGNED)

Tamc Bixby.
Chairman.

M.C.R. 6723.

COPY:

Muskogee, Indian Territory, January 6, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen.

You are hereby notified that on the 22nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Master Pea, et al., of which decision you were advised by mail on the 6th day of August, 1903.

Respectfully,

JAMES BIXBY.
Chairman.

M.C.R. 6723.

COPY:

Muskogee, Indian Territory, January 6, 1904.

Easter Pea,

Ran, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Easter Pea, et al., of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Harriet Maloira (or Meloina) Fitzgerald
husband 1/4 slave
Squire Fitzgerald, slave

met
6723

Easter Pea, 59 slave
husband
James Pea, negro, L. slave

met
7059

Cynthia Pea, 29 1/8
married

① Arthur Hinds, negro, Dead

② Henry Crawford, negro, Living

met
7059

Osborn Hinds, 11

" Jimmie Hinds, 9

" Jessie Crawford, 4

" Isaac Crawford, 1

met
7060

Maggie Pea, 27 1/8
married

John Dickens, negro, L.

met
7060

Allie Dickens, 4

" Lurena Dickens, 6 mos.

met
6723

Melissa Pea, 17

" Rena Pea, 15

723

No.

5723

For Identification as a Mississippi Choctaw.

Date

FEB 14 1903

Name Easter PeaAge 59 - Blood Not KnownPost Office, Ran, I. I.Father: Squire Fitzgerald - -Mother: Harriet M. " - -Claims through mother $\frac{3}{4}$ (?)Husband -Jim Pea, I. negroNo claim for husband

Children:

Malissa Pea, 17Bena " 16Claims for self
and 2 minorStenographer Clara M. Wood

Eastr. Pea et al

STAY

STAY

21.10

Choctaw MCR 6724

Mollie West

MCR 6724

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mollie West, et al.,
for identification as Mississippi Choctaws, W.C.R. 6724.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mollie West, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws-----	1
Decision of the Commission refusing the application of Mollie West, et al., for identification as Mis- sissippi Choctaws-----	6

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 17, 1903.

6724

In the matter of the application of Mollie West for the identification of herself and her two minor children, Lorene and Ben West, as Mississippi Choctaws.

Applicant not represented by attorney:

Mollie West being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie West.
Q What is your age? A Twenty four.
Q Any of your relatives been before the Commission here? A No sir not as I know of.
Q What is your post office address? A Wills Point, Texas is my home now.
Q How long have you lived there? A In Texas, about nine years.
Q Where did you live before you lived in Texas? A Tipper County Mississippi.
Q Where were you born? A Born there and raised there.
Q Did you go from Mississippi to Texas? A Yes sir.
Q Is your father living? A Yes, my father and mother are living; my husband's dead.
Q What is your father's name? A Sol Crittendon.
Q What is your mother's name? A Ellen Crittendon.
Q Do you claim through your father or mother? A On the part of my mother.
Q How much Choctaw blood do you claim? A One fourth.
Q You claim your mother was a half Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No sir, not a thing has been ever did.
Q Is your husband living? A No sir, he's dead.
Q you never married again? A No sir.
Q you are a widow at the present time? A Yes; he died in Mississippi.
Q Was he a negro? A No sir, he was fullblood half Indian himself; his father was a full blood Indian Choctaw.
Q Full blood Choctaw Indian? A Yes, when he died up and down the tallahassee they couldn't get him to put clothes on him.
Q Now, he was half Choctaw and half negro was he, ? A Yes sir.
Q What was his name? A Jim West.
Q When you claim that your children for whom you intend to make application have Choctaw blood both from you and their father?
A Yes sir,

Mellie West----2

- Q And you say he was half Choctaw Indian? A Yes, his father was said to be full blood Mississippi Indian.
- Q How long has he been dead? A Near three years.
- Q What was his father's name? A Bill West.
- Q Dead? A Yes sir.
- Q What was his mother's name? A Mary Jane West.
- Q She's dead? A Yes sir.
- Q Did your husband, Jim West, get his Choctaw blood from his father or mother? A His father's side.
- Q His father was full blood Choctaw Indian? A Yes sir.
- A And his mother was a negro woman? A Yes sir.
- Q How many children have you by your deceased husband, Jim West? A Two.
- Q What is the name of the oldest? A Lorene West.
- Q How old is she? A Four years old.
- Q The next? A Three years old; his name is Ben.
- Q You claim for yourself and these two children, do you? A Yes sir.
- Q Is Jim West the father of these two children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q They claim their Choctaw blood through you and their husband also? A Yes, on the part of my mother and on the part of his father.
- Q You claim a quarter Choctaw blood? A Yes sir.
- Q And your husband claimed a half? A Yes, on the part of his father.
- Q How much Choctaw blood do you claim for these children? Do you claim three eighths for them? A Yes sir.
- Q Do you know whether Jim West's father Bill West, through whom he claimed his Choctaw blood was ever recognized or enrolled as a Choctaw Indian by any authority what ever in the Indian Territory? A I don't know; I can only say that he was in the crowd that was to be brought out here from there but he didn't come.
- Q Then he wasn't recognized? A No sir.
- Q Do you know whether the name of Jim West or whether your name was on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I don't know.
- Q Have you ever been recognized or has your husband as a Choctaw Indian by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Not that I know of.
- Q Have you or did your husband ever make application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Do you now come before this Commission to identify yourself and your children as Mississippi Choctaws? A Yes, that's what I come for.
- Q Do you claim under article fourteen of the treaty of 1830? Or don't you understand that article? A No sir.
- Q Do you know what an article is? A No.
- Q Do you know what a treaty is? A No sir.

A treaty is a compact in writing made between two or more nations and an article in a treaty is one of its subdivisions; In 1830 on the 27th day of September a treaty was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek; the object of this treaty was to remove the Choctaw Indians from the old Choctaw

Mollie West----3

Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty; article fourteen is a paragraph or subdivision of the treaty of 1830; and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother's name?
- Q VCan you go back any farther than your mother on your side? A No sir.
- Q Do you know through whom she claims --her father or mother? A No I don't know.
- Q Then you can't go back any farther than your mother? A No sir.
- Q Now these children claim through their father, Jim West; he claimed through his father, Bill West, and you state his father was a full blood Choctaw? A Yes sir.
- Q Can you go back any farther and tell about Bill West's father and mother? A No sir.
- Q Bill West was the grandfather of these children? A Yes sir.
- Q Now did these children claim through Mary Jane West the wife of Bill West? A No sir, just on the part of Bill West their grandfather and through their father, Jim.
- Q You don't know anything about Ella Crittendon's father and mother? A No sir.
- Q Do you know whether Ella Crittendon or Bill West lived in Mississippi in 1830 and were heads of families there then? A No sir, I can't tell.
- Q How old is Ella Crittendon now? A About fifty four years old.

Mollie West----4

Q And you cannot tell anything about her father and mother?

A No sir; I don't know anything about it.

Q Was Ella Crittendon a slave at any time? A I don't think she was a slave. My father was though; she worked though/.

Q Don't you know that Ella Crittendon was a slave? A No sir, never heard her say except that she hired out and worked like the other slaves there.

Q Was she freed at the emancipation? A I don't know.

Q Wasn't she a slave? A Yes, I guess she was a slave; she didn't have no master; she never did have any master nor mistress.

Q How could she be a slave unless she had? A Well, that's what I think; she just worked out.

Q Well, now, let me know whether you have heard from members of your family that Ella Crittendon was a slave or not. A Well, she has always worked out and Mrs. Taft, a white woman, always seen after her moneys.

Q Did you ever hear she was? A She was a slave then.

Q Did you ever hear that Sol. Crittendon, her husband was? A Yes, he was.

Q Was Bill West a slave? A No sir.

Q How do you know? A Well, they said he wouldn't work; he just strolled up and down.

Q And was Ella Crittendon born in Mississippi? A Yes sir.

Q Do you know anything about her father and mother? A No sir, I don't know nothing about my mother's people.

Q Do you know whether they were slaves, either of them? A I never heard her talk about any of her people.

Q Do you know whether Ella Crittendon or any of her ancestors or whether Bill West or any of his ancestors went to the United States Indian agent within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi take land there and become citizens of the States? A No sir, I don't know.

Q Did any of your Choctaw ancestors or the Choctaw ancestors of your children on their father's side? A Not that I know of.

Q Wait a minute; you can't answer the question until I ask it. ---live on land in the old Choctaw Nation for five years and then receive a patent to it from the Government under article fourteen of the treaty of 1830? A No sir, I don't know.

Q Did any of your Choctaw ancestors or any of the Choctaw ancestor of your children on their father's side claim any land in the old Choctaw nation under article fourteen of the treaty of 1830? A No sir, I don't know anything about that at all.

Q Do you know whether either of these ancestors lived on land for five years in the old Choctaw nation and then received a patent or deed to it under article fourteen of the treaty of 1830? A No sir, they never got anything.

Q Do you know if any of your Choctaw ancestors or any of the Choctaw ancestors of these children through their father owned any improvements on land in that old Choctaw nation in 1830? A Not that I know of.

Q Did any of them go before a Commission appointed by an act of Congress approved March 3, 1837 or one approved in 1842, August 23 and claim any benefits or rights under article fourteen of the treaty of 1830? A Not that I know of.

These Commissions were appointed in these years to hear complaints of Indians who claimed that they had gone before Col. Ward and attempted to register within six months after the ratification of

the treaty of 1830 but that Col. Ward had refused to register them and because of their refusal the Government had taken their land from them and sold it at public sale together with the improvements upon it.

Q Did you ever hear that either of these sets of ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to the Choctaw Indians who claimed and proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the Government and sold at Public Land Sale.

Q Do you speak or understand the Choctaw language? A No sir, I can't understand it.

Q Is there anything more you want to say now in support of this claim? A Well, before my husband died he wanted to come out here himself and see about it.

Q Have you any white blood at all? A No sir.

This applicant has the appearance and physical characteristics of being a negro; she claims Choctaw blood but the Commission is unable to determine if she has any. Her physical appearance and the characteristics of her testimony and manner in which she gives it show that she has more negro blood than any other and if she has any Choctaw blood it is not apparent. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on February 17, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 18 day of February, 1903

Charles H. Sawyer
Notary Public.


COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mollie West, et al.,
for identification as Mississippi Choctaws, K.C.R. 6726.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mollie West for herself and her two minor children, Lorene and Ben West, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the minor applicants herein claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of

being descendants of Bill West, who is alleged to have been a full-blood Choctaw Indian.

The record herein also shows that the principal applicant claims Choctaw blood for herself and minor children, inherited from her mother, Ellen (or Ella) Crittendon, but is unable to give the name of a more remote Choctaw ancestor through whom they claim than the said mother, who, according to the testimony, is living at the age of 54 and could not, therefore, have been living in eighteen hundred and thirty. The record shows that the principal applicant is ignorant of the names of any of her ancestors other than her said mother. Although she has had more than a month in which to secure evidence tending to show who said ancestors were, she has not offered to submit such additional proof.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempt-

ed to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bill West, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mollie West, Lorene West and Ben West, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Jame Bixby.
Chairman.

SIGNED

T. B. Needles.
COMMISSIONER

SIGNED

C. B. Dreckinridge.
COMMISSIONER.

Muskogee, Indian Territory,

SIGNED

W. E. Stanley.
COMMISSIONER.

AUG 4 1903

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mollie West,
Wills Point, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Mollie West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mollie West, Lorene West and Ben West, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

H V 2

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge,

Register

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Mollie West, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mollie West, Lorene West and Ben West, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Woodles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mollie West, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner of Indian Affairs.
2 Enc. M.C.R. 5724

T. B. Neel
Commissioner in Charge.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 9, 1903.

Land.
54346-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Mollie West, for herself and her two minor children, Lorene and Ben West, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The record testimony in this case shows that the applicants base their claim to identification, under this application, on their descent from Bill West, who is alleged to have been a full blood Choctaw Indian, and a resident of Mississippi or Alabama at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants August 4, 1903, because the names of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of said article and treaty, nor that he presented a claim, as a Choctaw Indian, to either of the Commissions appointed to adjudicate such claims, and for the additional

reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office shows that the name of Bill West does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty; neither is it shown that he applied to the Commission appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if any he had, as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W.A. Jones,

Commissioner.

CTC-O.

(COPY).

E.A.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 25, 1903.

D.C. 33018.
ITD. 8074-1903.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

August 24, 1903, you transmitted the record in the matter of the application for identification of Mollie West and her minor children, Lorene and Ben West, as Mississippi Choctaw Indians, including your decision of August 4, 1903, denying the application.

The applicants claim rights under article 14 of the treaty of September 27, 1830, by reason of being descendants of Ellen Crittendon, who, it appears, is 54 years of age, is the mother of the principal applicant, and is a one-half blood Choctaw Indian. The minor applicants also claim descent from Bill West, through Jim West who was the father of said minor applicants, it being alleged that Bill West was a full blood Choctaw Indian, and that Jim West was a half blood Choctaw. The principal applicant was unable to give the name of a more remote Choctaw ancestor than those above mentioned.

It is evident that Ellen Crittendon was not in existence at the date of the treaty of September 27, 1830. The record sub-

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mitted, as well as the records of the Indian Office, fails to show that Bill West complied or attempted to comply with the provisions of article 14 of said treaty, or with the subsequent acts of Congress relating thereto.

Reporting November 9th the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Upon a careful examination of the whole record the Department finds no reason to disturb your decision, and it is accordingly affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 6724.

COPY

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nellie West et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6724.

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, December 5, 1903.

Mollie West,
Willspoint, Texas.

Dear Madam:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mollie West et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,


Chairman.

6724

No. 6724

For Identification as a Mississippi Choctaw.

Date

FEB. 7 1901.

Name Mollie West,

Age 14 - Blood "1/4"

Post Office, Wills' Point, Texas.

Father: Sol. Crittendon * l

Mother: Ellen " l.

Claims through mother 1/2

Husband. —

Jim West — (d)

F. Bill West (d. full.)

m. Mary J. " (d) negro 1/2 ch. 1/2 neg

Children:

Loene West $\frac{3}{8}$ 4 ~~5~~Ben " $\frac{3}{8}$ 3.Claimed for self and
2 minor ones

Stenographer W. S. Harris

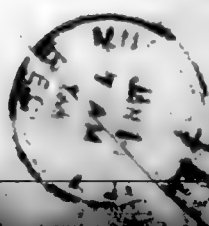
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 23 1904



CHAIRMAN



672-4

file

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unknown

Mollie West,

Willispoint, Texas



UNCLAIMED

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

JAN 9 - 1904





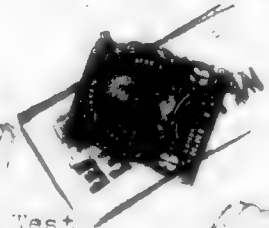
Sept.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mollie West,

~~White Point, Texas.~~



AUG 31 1913

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1879

all copy sent to
be forwarded

Mollie West et al

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11

DECISION PREPARED

Choctaw MCR 6725

Jeff John

MCR 6725

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Jeff Johnson, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Jeff Johnson, et al.,	M.C.R. 6725
Manley Johnson,	M.C.R. 6726

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Jeff Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of General Jackson-----	7
Affidavit of Susan Bowen-----	8
Joint affidavit of Sabi Wise and Caroline Cole-----	10
Original application of Manley Johnson----- to the Dawes Commission for identifica- tion as a Mississippi Choctaw-----	12
Decision of the Commission refusing the ap- plications in the consolidated case of Jeff Johnson, et al., for identification as Mississippi Choctaws-----	16

-oOo-

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 18, 1903.

In the matter of the application of Jeff Johnson for the identification of himself and his five minor children Dan, William, Viola, Coonfoot, and Willie Johnson as Mississippi Choctaws.

Jeff Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jeff Johnson.
- Q What is your age? A About thirty two or three.
- Q Thirty two we will make it? A Yes sir.
- Q What is your post office address? A Dublin.
- Q What state? A Mississippi.
- Q How long have you lived there? A About sixteen years.
- Q Where were you born? A In Alabama.
- Q Where in Alabama? A My brother here can tell you that; he carried me away from there when I was small.
- Q Did you ever hear where you were born? A I disremember the name of the place; it was close to Burdahatchie river I think they call it in Winston County Alabama.
- Q How long did you live in Alabama? A All my life up until about when I was turning about seventeen I suppose.
- Q Until you went to Mississippi? A Yes, sir.
- Q Then you lived in Alabama until you went to Mississippi and have lived in Mississippi since? A Yes sir.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir.
- Q What was your father's name? A The last name he has was Moses Johnson but his right name was Moses Mundine.
- Q How did he happen to have two names? A He belonged to a white man.
- Q He was a slave was he? A Yes sir.
- Q And he took the white man's name? A Yes, sir.
- Q What name was that? A Moses Johnson.
- Q Do you want to give that as his name? A It don't make any difference I don't suppose.
- Q Was that the last name he had? A Yes, sir.
- Q And before that his name was what? A William Mundine.
- Q You don't mean Moses Mundine; you mean William Mundine? A Yes sir.
- Q Was that a master's name before his master Johnson had him? A That was his name but I say Johnson wasn't his name; Mundine was his name.
- Q What was your mother's name? A Sarah Johnson.
- Q Was she a slave? A Yes sir.
- Q Were they both owned by the same man Johnson? A Yes sir.
- Q Both were living during the war? A He was I know; I suppose she was too.
- Q And if they were living they were liberated at that time; do you claim your Choctaw blood through your father or mother? A Through my father.
- Q How much Choctaw blood do you claim? A I don't know; one fourth I suppose; my daddy was a half breed.

- Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know sir.
- Q He never lived in the Indian Territory did he? A I don't know sir.
- Q Did he ever come from Mississippi and go to the Choctaw Nation Indian Territory? A No sir not that I know of.
- Q I don't suppose your father and mother were married according to the legal form that prevailed among white people; were they; they were slaves were they not? A Yes, sir.
- Q Were they living together as husband and wife during slavery
- A I don't know sir I wasn't here.
- Q You don't know whether they were married legally or not?
- A No sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Mahala.
- Q Is she a negro woman? A Yes sir.
- Q You don't make any claim for her? A No sir.
- Q Now give me the names of your children under twenty one years of age and unmarried you want to make application for
- A One's name Dan.
- Q How old is Dan. A About fifteen years.
- Q What's the name of the next one? A William.
- Q How old is William? A About eight years old.
- Q The next? A Viola.
- Q How old is she? A She's about seven years old I think.
- Q What's the name of the next child?
- A We call the other one Coonfoot.
- Q How old is Coonfoot? A She's two years old I think.
- Q That's a girl? A Yes sir.
- Q Now what's the name of the next child? A Willie.
- Q How old is Willie? A This coming March he would be one year old.
- Q We will call him so at one year then? A Yes sir.
- Q That's a boy? A Yes sir.
- Q Is Mahala Johnson the mother of these children? A Yes sir.
- Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes sir.
- Q When were you married to her? A That gets next to me; again; I don't know the year; I don't forget it.
- Q Have you got the proof of the marriage here? A No sir; I got my license at Huntsville Alabama; I married in Gurlee.
- Q Were you married by a minister? A No sir; Justice of the Peace.
- Q Do you remember the day of the month and year A No sir I don't.
- Q You don't know positively now do you? A No sir.
- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
- Q You never did live in the Indian Territory did you? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir; I went to Meridian at they time they held there but I got there too late taking up as much time trying to get up my proof and all.
- Q Did you ever make application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896?
- A No sir.
- Q When was it you tried to go to Meridian? A Last year.
- Q In 1902? A Yes sir.
- Q In the spring? A Yes sir I think it was in the spring.

- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A I don't know whether whether I do or not.
- Q You don't understand that article? A No sir.
- Q A treaty is an agreement in writing or a compact in writing made between two or more nations and an article in a treaty is one of it's paragraphs or subdivisions; in 1830 on the 27th day of September of that year a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; the object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; then the treaty was signed and afterwards on the 24th day of February 1831 was ratified; article fourteen under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty or not? A I don't know sir.
- Q What is the name of your ancestor through whom you claim? Do you claim your Choctaw blood through your father? A Yes sir.
- Q Do you know whether he got his Choctaw blood through his father or mother? A No sir.
- Q Do you know anything about a man named Tish-ho-ma.
- A I've heard my daddy talk about him; I never seed him.

- Q You heard your father, Moses Johnson talk about him?
- A Yes sir.
- Q Is your father's name Mose Johnson or Moses Johnson? A Moses.
- Q Do you claim your father was one half Choctaw Indian? A Yes sir.
- Q You have heard him talk about Tishohoma?
- A Yes sir.
- Q Who did he say Tishohoma was? A Said he was his father.
- Q You claim he was a full blood Indian do you? A Yes sir.
- Q How do you know he was? A Just by what my father told me.
- Q So Tishohoma you claim was your grandfather? A Yes, sir.
- Q Was he a slave? A I don't know sir.
- Q Moses Johnson his son was was he not? A Yes sir.
- Q How did Moses Johnson become a slave if he had a father Tishohoma who was a full blood? A I've often heard him say that a man took him from his father to ride races and after a long time, they got off somewhere and the fellow got drunk and sold him.
- Q Tishohoma used to let his son Moses Johnson go to ride races and the man that he rode for afterwards got drunk and sold him? A Yes sir.
- Q And his name got changed to Moses Johnson? A Yes sir.
- Q When he lived with his father Tishohoma what was his name?
- A I don't know sir.
- Q You gave another name for Moses Johnson; what was his other name? A I said his other name what his father gave him was William Mundine.
- Q Tishohoma gave him that name? A Yes sir.
- Q Could you give me the name of the wife of Tishohoma.
- A No sir.
- Q How old would Tishohoma be if living now? A I don't know sir.
- Q Did he live in Mississippi? A I don't know sir.
- Q Did Moses Johnson used to live in Mississippi? A I don't know sir.
- Q Did any of your ancestors live in Mississippi? A I don't know sir.
- Q You live there don't you? A Yes sir.
- Q Were you born in Mississippi? A No sir.
- Q Where were you born? A In Alabama.
- Q But you live there now? A Yes sir.
- Q Did any of your people live in Alabama way back? A Yes sir.
- Q Did Tishohoma live in Alabama? A I don't know sir.
- Q Did Moses Johnson live in Alabama? A Yes sir.
- Q Was he born there? A I don't know sir.
- Q Do you know whether either Tishohoma or Moses Johnson his son lived in Alabama or Mississippi in the old Choctaw nation in 1830 and had a family there then? A I don't know sir.
- Q How old would Moses Johnson be if living now? A I don't know sir; he would be close to a hundred years old if living now.
- Q Was he married and living with a family in 1830? A I don't know sir.
- Q Don't know whether he had any children living then? A No sir.
- Q Did Tishohoma or Moses Johnson his son or any Choctaw ancestor of yours go to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and try to register under article fourteen of that treaty; did you ever hear he did? A No sir I never heard it.
- Q Did you ever hear of Colonel Ward the United States Indian agent? A No sir if I did I don't remember it.
- Q Did you ever see Tishohoma your grandfather? A No sir.
- Q Did your father Moses Johnson speak the Choctaw language?
- A Yes sir he talked all kinds of languages it looked like; stuff I couldn't understand at all.

- Q It isn't material whether he talked all kinds of languages but it is material whether he spoke Choctaw.
- A It seemed to me he talked all kinds; I don't know.
- Q How do you know he spoke the Choctaw language? A Just from what he said.
- Q Did he say he did? A Yes sir.
- Q Did you ever hear him speak it? A Yes sir.
- Q How do you know it was Choctaw? A I don't know that it was but that's what he told me.
- Q Did any of your Choctaw ancestors either Tishohoma or Moses Johnson or any other live on land in Mississippi or Alabama in the old Choctaw Nation five years and then get a deed from the government or a patent for that land? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know sir whether they did or not.
- Q Did any of them go at any time between the years 1833 and 1838 with the other Indians at the expense of the government?
- A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know sir.
- Q Did you ever hear that Tishohoma or Moses Johnson or any other Choctaw ancestor of yours went before a commission appointed by act of Congress approved March 3 1832 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A No sir.

These commissions were appointed by these various acts of Congress to hear the complaints of Choctaw Indians who alleged that they had gone to Colonel William Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that Colonel Ward had refused to allow them to register and because he did refuse to allow them to do this the government had taken their land from them in the old Choctaw Nation and sold it at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government or certificates which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was issued to Choctaw Indians who claimed that they had proven their rights under article fourteen of the treaty of 1830 and also claimed that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want to introduce these affidavits, these three different affidavits you have presented? A Yes, sir.

The affidavit of General Jackson is presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

The affidavit of Susan Bowen is presented by this applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

The joint affidavit of Sabe Wise and Caroline Cole is presented by this applicant, received, filed, marked exhibit "C" and made part of the record in this case.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws.
Q Have you any relatives who are with you who intend to make application today? A Yes sir.
Q Your brother? A Yes sir.
Q What is his name? A Manley Johnson.
Q Do you claim to have any white blood at all? A No sir.

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This applicant has the appearance and physical characteristics of being descended from negro parentage; he has black hair; curly; black eyes; dark skinned; features are not as heavy as that of a full blood negro; the cut of his features and expression and general physical makeup would indicate some other mixture of blood together with the colored blood which predominates; he does not claim any white blood. The negro characteristics largely predominate; he does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---04---

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 18th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 20th day of February 1903.

Charles D. Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-eOe-

In the matter of the application of Jeff Johnson, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Jeff Johnson, et al.,	M.C.R. 6725
Manley Johnson,	M.C.R. 6726

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Jeff Johnson for himself and his five minor children, Dan,
William, Viola, Geonfoot and Willie Johnson; and by Manley Johnson
for himself, under the following provision of the act of Congress
approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Tish-homa (or Tishohoma, or Tishomhoma), who is alleged to have been a full-blood Choctaw Indian, and Moses (or William) Johnson (or Mundine), who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Tish-homa appears on pages 186 and 198, the name Tish-homah on pages 141, 417, 418, 419 and 420, Volume I, Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, and the name Tish-ha-homa appears on page 904 of Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear from the evidence submitted by the several applicants herein that the ancestor through whom they claim is identical with any of the persons whose names appear in the records above cited.

It is further found that the name Tish-homah also appears on page 106 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided

in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tish-homa (or Tishohoma, or Tishomhema), through whom these applicants claim, or Moses (or William) Johnson (or Mundine), or an ancestor less remote, signified (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jeff Johnson, Dan Johnson, William Johnson, Viola Johnson, Coonfoot Johnson, Willie Johnson and Manley Johnson, as Choctaw Indians en-

titled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskegee, Indian Territory,

MAR 15 1894

M C R 6725

Muskogee, Indian Territory, March 7, 1903.

Jeff Johnson,
Dublin, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you state that you are trying to get proof in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been noted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1903.

Jeff Johnson,
Dublin, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to the status of your case as a Mississippi Choctaw. You ask to be advised in regard to the proof filed in support of your claim.

In reply to your letter you are informed that it appears from our records that on February 18, 1903, you made application to this Commission for the identification of yourself and your five minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case, but upon the rendition of the same you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the time you made application there was offered by you the affidavits of General Jackson, Susan Bowen, Sabe Wise and Caroline Gale, which have been filed and made a part of the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 31, 1903.

B. F. Johnson,

Dublin, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state that it is impossible for you to come to Muskogee on account of the overflow of the Mississippi river; that the proof in your case is the same as in the cases of your brothers Jeff and Manly Johnson. You ask if the Commission cannot hear your application at some future time.

In reply to your letter your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 6725
M C R 6726

Muskogee, Indian Territory, April 1, 1903.

Frank Johnson,

Dublin, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state "My papers of identification as a Mississippi Choctaw were handed you by my brothers, Jeff Johnson and Manley Johnson, February 18, 1903. It would be utterly impossible to get to you on or before the 25th as the roads leading to the Territory refuse to route out of Memphis until the high water subsides." You ask if you can appear before the Commission at some future date.

In reply to your letter you are informed that the time within which the Commission could receive or consider applications for identification as Mississippi Choctaws expired at midnight on March 25, 1903. The Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 6725
M C R 6726

Muskogee, Indian Territory, April 14, 1903.

Manly Johnson,
Lyon, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised the status of the cases of yourself and brother, Jeff Johnson, applicants to this Commission for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that yourself and brother made application to this Commission for identification as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification. As soon as a decision is reached you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M.C.R.6725

Muskogee, Indian Territory, October 3, 1903.

Jeff Johnson,
Dublin, Mississippi.

Dear Sir:

Replying to yours of no date received at the Commission September 28, 1903, regarding the status of your case and that of your children as Mississippi Choctaws, you are advised that no opinion or decision has yet been reached. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6725.
M C R 6726

Muskogee, Indian Territory, January 15, 1904.

Manley Johnson,

Sabina, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask what has been done with the application of yourself and brother, Jeff Johnson.

In reply you are informed that it appears from the records that you made application to this Commission for identification as a Mississippi Choctaw, and that your brother, Jeff Johnson, made application for the identification of himself and five minor children as Mississippi Choctaws, but no decisions have yet been rendered relative the rights of yourself and brother and his minor children to be identified as such Mississippi Choctaws. When decisions are rendered you will be notified of the action of the Commission.

Respectfully,

Chairman.

K.C.R. 6725.

Muskogee, Indian Territory, April 7, 1904.

Jeff Johnson,
Dublin, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March, 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Johnson et al., including you and your children Dan Johnson, William Johnson, Viola Johnson, Coonfoot Johnson and Willie Johnson.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~RECEIVED~~

E. B. Needles.

Commissioner in Charge.

Registered.

M.C.P. 6726.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Manley Johnson,
Sabino, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Johnson et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6725.

COM

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Johnson et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles

Ine. MCR. 6725.

Commissioner in Charge.

Copy.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Jeff Johnson et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Jeff Johnson et al.,	M.C.R. 6725
Manley Johnson,	M.C.R. 6726

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. MCR 6725.

Muskogee, Indian Territory, April 26, 1904.

Jeff Johnson,

Dublin, Mississippi.

Dear Sir:

Receipt is heroby acknowledged of your letter of April 18, 1904, in which you ask that the affidavits and other papers filed in support of your application for identification as a Mississippi Choctaw be returned you at once.

In reply to your letter you are informed that on April 23, 1904, the record in the consolidated Mississippi Choctaw case of Jeff Johnson, et al., together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. When the Commission is advised of Departmental action in your case, you will be duly notified thereof.

If you still desire the return of the papers filed in support of your claim, you should correspond with the Secretary of the Interior in regard to this matter.

The stamps enclosed in your letter are herewith returned you.
Respectfully,

Chairman.

(COPY). ✓

Land.
28288-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated April 23, 1904, transmitting the record of the application for identification as Mississippi Choctaws of Jeff Johnson for himself and his five minor children, Dan, William, Viola, Coonfoot and Willie Johnson; and by Manley Johnson for himself.

March 15, 1904, the Commission decided that the applicants were not identified as Mississippi Choctaws.

The record shows that the applicants Jeff Johnson and Manley Johnson are the children of Moses Johnson, alias William Mundine and Sarah Johnson, his wife who were negro slaves up to the close of the war of the rebellion. It is also shown that Moses Johnson through whom ancestry is claimed had a strain of Indian blood, was born about 1803 and was a slave at the date of the treaty of 1830.

The ancestors of the applicants are not identified on the records of this office as Mississippi Choctaws.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMK (C)

DC.27460-1904.
ITD.5278-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR, J.W.H. FHE
WASHINGTON, August 1, 1904.

(COPY).

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 23, 1904, you transmitted the record in the consolidated case embracing the applications of Jeff Johnson, for the identification of himself and his five minor children, Dan, William, Viola, Coonfoot and Willie Johnson, and of Manley Johnson for the identification of himself, as Mississippi Choctaws, with your decision of March 15, 1904, refusing to identify them as such.

The principal applicants herein, Jeff and Manley Johnson, are brothers, they claim descent from a full blood Choctaw named Tishhoma (or Tishohoma), through their father, Moses Johnson, alias William Mundine.

From your decision it appears that, according to certain testimony appearing in Vol. 1 of Claimant's Brief in the case of the Choctaw Nation vs. the United States, Court of Claims No. 12742, there was a person named Tishhomah, who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830. You conclude that the testimony fails to show that the ancestor of these applicants is identical with the person who attempted such compliance.

Reporting in the matter June 25, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation. Your decision is accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 6725

Muskogee, Indian Territory, August 27, 1904.

Jeff Johnson,

Dublin, Mississippi.

Dear Sir:

You are hereby notified that on the 1st, day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Johnson et al, of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 1st, day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jeff Johnson et al., of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

Chairman.

REFER TO M. C. R. 6-5

Tishohoma, f.b.

William Mundine, or

Moses Johnson, $\frac{1}{2}$ Dead
slave

wife

Sarah Johnson, slave Dead

mek
6725

Jeff Johnson, 32. $\frac{1}{4}$

wife

Mahala Johnson, negro.

mek
6726

Manley Johnson, 30. $\frac{1}{4}$

wife

Sarah Johnson, negro.

mek
6725

Dan Johnson, 15

" William Johnson, 8

" Viola Johnson, 7

" Coonfoot Johnson, 2

" Willie Johnson, 1

For Identification as a Mississippi Choctaw.

Date

FEB 1 1903

Name Jeff. Johnson

Age 32.-

Blood 1/4

Post Office, Dublin. Miss.

Father; Moses Johnson, } d.

Mother; Sarah " } d.

Claims through father 1/2 --

wife.

Mahala Johnson, neg. &

No claim for wife.

Children: -

Wan Johnson 15.

William " 8

Viola " 7

Coonfoot " F 2

Willie " M. 1

Claims for self
and 5 minors.

Stenographer Clara Mitchell Wood

DEC 1964

**COPIES OF THE AWARDED
ATTORNEYS IN OCHOOTAW AND
CHICKASAW NATIONS.**

1904

AUG 1 1904

ALLC 14

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

97. 9

Choctaw MCR 6726

Manley Johnson

MCR 6726

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 18, 1903.

In the matter of the application of Manley Johnson for identification as a Mississippi Choctaw.

Manley Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Manley Johnson.
 Q What is your age? A I will be thirty the ninth of this coming March.
 Q What is your post office address? A Lyon Mississippi.
 Q How long have you lived there? A I've been at Lyon now four years.
 Q Where did you live before you lived in Lyon. A Dublin Mississippi.
 Q How long have you lived in Mississippi? A Sixteen years.
 Q Before that where did you live? A Alabama.
 Q Where were you born? A In Fayette County on Cedar Creek.
 Q In Alabama? A Yes sir.
 Q Have you always lived in Alabama until you went to Mississippi? A Yes sir.
 Q Is your father living? A No sir.
 Q Is your mother living? A No sir.
 Q What was your father's name? A Moses Johnson.
 Q What was your mother's name? A Sarah Johnson.
 Q Do you claim your Choctaw blood through your father or mother? A Through my father.
 Q How much do you claim? A According to the testimony they gave me I claim one fourth.
 Q Your father was one half Choctaw Indian was he? A Yes sir.
 Q Was your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I can't tell.
 Q Have you the proof of the marriage of your father and mother with you now? A Yes sir.
 Q Have you got it here? A I haven't got it present.
 Q Do you know when they were married? A I know when they were said to be married.
 Q When was that? A It was said to be the first year before the war began.
 Q They were both slaves at that time? A Yes sir.
 Q In what way did they marry if they were slaves? A They married like they all married in those days.
 Q They didn't get a license did they and were not married by a minister? A I don't know about that.
 Q Whatever the custom was among slaves they observed that custom at that time? A Yes sir.
 Q Did they after they were freed continue to live together as husband and wife? A They did up until about two years before he died.
 Q Then they separated? A Yes sir; he went south and left her.
 Q About how long did they live together as husband and wife? A I don't know.

- Q Is your wife living? A Yes sir.
- Q What is your wife's name? A Sarah Johnson.
- Q Is she a colored woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q You have no children? A No sir.
- Q Claim for yourself alone do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission to identify yourself as a Mississippi Choctaw? Claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made at a place by that name in the state of Mississippi on the 27th day of September of that year; the object of that treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; article fourteen is the article under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article or not? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Tish ohoma.
- Q T-i-s-h-o-m-a? A Yes sir.
- Q Was that an Indian name? A Yes sir.

- Q Was he an Indian? A That was my understanding.
- Q How much Choctaw blood did Tishahoma have? A Claimed to be a full blood.
- Q What relation was he to you? A Grandfather.
- Q Was he your father Moses Johnson's father? A So said to be.
- Q What name did he give his son Moses Johnson? A William Mundine.
- Q Do you know how to spell that name? A I know how I would spell it.
- Q How would you spell it? A W-i-l-l-u-m M-u-n-d-i-n-e.
- Q But you give his name now as Moses Johnson? A Yes sir.
- Q That's the name he was last known by? A Yes sir.
- Q And he took his master's name? A Yes sir.
- Q How do you know that Tishahoma your grandfather was a full blood Choctaw Indian? A I don't know anything about it only that I was taught.
- Q You have been taught that? A Yes sir.
- Q By whom? A By the people that owned my father and him together.
- Q Can you give the name of any ancestor of yours having Choctaw blood who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was married then and had a family?
- A No sir.
- Q Do you know whether Tishahoma did live in the old nation?
- A I don't know sir; they claimed he did.
- Q Did you ever hear that either he or his son Moses Johnson lived in Alabama in 1830 and was the head of a family there then, either of them? A I don't know; I don't believe I ever heard that.
- Q Did you ever hear of Colonel William Ward the United States Indian agent who used to live in Mississippi in 1830?
- A No sir.
- Q You never heard with any Choctaw ancestor of yours went to him within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty? A No sir.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for a period of five years and then got a patent from the government for that land? A Not that I know of; I knew they claimed that our grandfather owned some land on the Tyros and over in Tuscaloosa but I don't know.
- Q You don't know whether he bought it or got it from the government as a Choctaw Indian? A No sir.
- Q Do you know how that land is bounded? A No sir. You mean by counties?
- Q No, how surrounded and bounded? A No sir.
- Q Do you know how much land there was? A No sir.
- Q How many acres there was in the land? A No sir.
- Q Do you know whether any of your Choctaw ancestors claimed any land in Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir I don't know.
- Q Or in Mississippi? A I don't know that they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1835 and 1838 or forty? A It's said that they did.
- Q It's said your grandfather came? A Yes sir.
- Q To the Choctaw Nation Indian Territory? A Yes sir.

- Q Your grandfather Tishohoma? A Yes sir.
- Q Do you know whether he did or not? A No sir.
- Q Do you know when he was reported to have come? A No sir.
- Q Did you ever hear that he came at the expense of the government or at his own expense? A I don't know; I just learned that he come.
- Q You didn't get an idea of what year it was? No sir. I don't have any idea at all myself but those I learned it from could give about the time when they come.
- Q Where was your father born? A I don't know sir.
- Q Was he born in Alabama or Mississippi or was he born after your father got to the Indian territory? He was born in there some where but I can't tell you.
- Q Born where? A Alabama or Mississippi or somewhere; I don't know sir; I never did hear him say and I can't say positive whether it was Mississippi or Alabama.
- Q And you can't say whether he was born there or not before your father came to the Indian territory? A O yes, sir, I could say he was born before he came.
- Q Well now how do you know that; did your grandfather come here before the war or after the war? A I don't know sir about that; I don't know what time he left.
- Q You don't really know that he left at all do you? A No sir.
- Q That is you can't prove it can you? A No sir.
- Q Do you know whether any of your Choctaw ancestors owned any improvements on land in that old Choctaw Nation in Mississippi or Alabama in 1830 or 1831? A No sir.
- Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3, 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830 or not? A Yes, sir.

These commissions were appointed by various acts of Congress because of the complaints of a great many Choctaw Indians who stated that they had tried to register under article fourteen of the treaty of 1830 but because the United States Indian agent Colonel William Ward refused to allow them to register, those Indians had their land taken from them by the government which land they had occupied in the old Choctaw Nation and the land so taken from them by the government was sold at its public land sales.

- Q You don't know whether they went before either of those Commissions and claimed any land? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly occupied in the old Choctaw Nation either in Mississippi or Alabama but which the government had taken from them and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation is Jeff Johnson who has just made application for identification as a Mississippi Choctaw to you? A Brother.

- Q Full brother? A yes sir.
Q Having the same father and mother? A Yessir.
Q Do you want to have your case considered in connection with the case of your brother Jeff Johnson and both of them consolidated under your case? A Yes sir.

The case of Jeff Johnson a younger brother of this applicant M.C.R. 6725 is referred to in this application, to be considered under the case of Manley Johnson M.C.R. 6726 said Manley Johnson being the elder.

- Q Now you and your brothers are the only members of your family and he's the only kin you have that have been before the Commission. A yes sir.
Q Have you any papers you want to present now? A No sir, none but those that he has presented.
Q Do you want to have the affidavits presented by your brother Jeff Johnson also considered in your application?
A Yes, sir.
Q You have no others? A No sir.
Q Is there anything more you want to say now in support of this claim? A No sir. I've got another sister and brother.
Q Both married? A No sir, one of them aint married.
Q How old is the one not married? A Same age as this man.
Q They are both over twenty one? A Yes sir.
Q They will have to make their own applications.

---O---

This applicant has the appearance and physical characteristics of being descended largely from negro parentage; like his brother Jeff Johnson he claims negro and Indian blood; the negro blood very largely predominates; if he has a mixture of other blood besides the negro it is not apparent, as the negro characteristics; he does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830; his parents were slaves and were liberated by the act of emancipation.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 18th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 21st day of February 1903.

Charles H. Sawyer

Notary Public.

M C R 6725
M C R 6726

Muskogee, Indian Territory, April 1, 1903.

Frank Johnson,
Dublin, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state "My papers of identification as a Mississippi Choctaw were handed you by my brothers, Jeff Johnson and Manley Johnson, February 18, 1903. It would be utterly impossible to get to you on or before the 25th as the roads leading to the Territory refuse to route out of Memphis until the high water subsides." You ask if you can appear before the Commission at some future date.

In reply to your letter you are informed that the time within which the Commission could receive or consider applications for identification as Mississippi Choctaws expired at midnight on March 25, 1903. The Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 6725
M C R 6726

Muskogee, Indian Territory, April 14, 1903.

Manly Johnson,
Lyon, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised the status of the cases of yourself and brother, Jeff Johnson, applicants to this Commission for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that yourself and brother made application to this Commission for identification as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification. As soon as a decision is reached you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6726
M C R 6726

Muskegee, Indian Territory, January 15, 1904.

Manley Johnson,
Sabina, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask what has been done with the application of yourself and brother, Jeff Johnson.

In reply you are informed that it appears from the records that you made application to this Commission for identification as a Mississippi Choctaw, and that your brother, Jeff Johnson, made application for the identification of himself and five minor children as Mississippi Choctaws, but no decisions have yet been rendered relative the rights of yourself and brother and his minor children to be identified as such Mississippi Choctaws. When decisions are rendered you will be notified of the action of the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 26, 1904.

Manley Johnson,

Sabina, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask that the papers filed by you in support of your application for identification as a Mississippi Choctaw be returned you at once, as you desire to take the same to Washington.

In reply to your letter you are informed that on April 23, 1904, the record in the consolidated Mississippi Choctaw case of Jeff Johnson, et al., of which case your application is a part, together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior. When the Commission is advised of Departmental action in this case, you will be duly notified.

If you still desire the return of the papers mentioned in your letter, you should communicate with the Secretary of the Interior in regard to this matter.

Respectfully,

Chairman.

M.C.R. 6726

Muskegee, Indian Territory, August 27, 1904.

Manley Johnson,

Sabine, Mississippi.

Dear Sir:

You are hereby notified that on the 1st, day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Jeff Johnson et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

Chairman.

6726

No.

6726

For Identification as a Mississippi Choctaw.

Date

FEB 13 1903

Name *Manley Johnson*Age *30*Blood *1/4*Post Office, *Lyon, Miss.*Father: *Moses Johnson* { *d.*Mother: *Sarah* .. { *d.*Claims through father *1/2*
wife.*Sarah Johnson, nee. l.**No claim for wife -*~~*claim.*~~*Claims for self*
*alone*Stenographer *Clara Mitchell Wood*

FOR IDENTIFICATION AS R. 6726
A MISSISSIPPI CHOOTAW

Manley Johnson

NOTICE OF PROVISIONAL REWARD
APPLICANT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

FROM THE U.S. DEPARTMENT OF THE INTERIOR

APR 27 1904

REWARD APPROVED BY
SECRETARY OF INTERIOR

1904

APR 27 1904

U.S. DEPARTMENT OF THE INTERIOR

1904

REFER TO M. C. R.

Profr. P. J. Davis, Miss.

Choctaw MCR 6727

Everline Large

MCR 6727

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 19, 1903.

In the matter of the application of Eveline Large for the identification of herself and her minor child, Lucy Large as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Eveline Large being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eveline Large.
 Q What is your age? A Thirty three.
 Q What is your post office address? A Parsons, Kansas.
 Q How long have you lived there? A Four years.
 Q Where did you live before you lived in Parsons Kansas?
 A In the Cherokee Nation in the Indian Territory?
 Q How long did you live in the Indian Territory before you went to Kansas? A Six years.
 Q Where did you live before that? A Missouri.
 Q Where were you born? A Bates County Missouri.
 Q And always lived there until you went to the Indian Territory? A Lived in Missouri; not in Bates County all the time.
 Q Is your father living? A Yes, sir.
 Q Is your mother living? A No, sir.
 Q What is your father's name? A David Cheatham.
 Q What was your mother's name? A Mary Cheatham.
 Q Do you claim your Choctaw blood through your father or mother?
 A My father.
 Q How much Choctaw blood do you claim? A One sixteenth.
 Q You claim your father was one eighth Choctaw? A Yes sir.
 Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No.
 Q Do you know when and where your father and mother were married?
 A They were married in Illinois.
 Q Do you know where and what date? A No sir I don't.
 Q Is your husband living now? A Yes, sir.
 Q What is his race or blood? A Well he's Irish descent.
 Q What's your husband's name? A Ethan Allen Large.
 Q You don't make any claim for your husband? A No sir.
 Q Did you say you had one minor child? A Yes, sir.
 Q What is that child's name? A Lucy.
 Q How old is she? A Six years old.
 Q You claim for yourself and one child? A Yes, sir.
 Q Is your husband the father of Lucy? A Yes, sir.
 Q You haven't been married but this one time? A One time.
 Q Are you living with your husband at his home and is this child living with you? A Yes, sir.
 Q Is your name or is the name of this child on any of the tribal

rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for yourself and child to the Dawes Commission under act of Congress of June 10, 1896? A No sir.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you come before the Commission now to identify yourself and this child as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? or don't you understand that article? A I don't understand it.

A treaty is a contract of compact in writing made between different nations, two or more nations; an article is a treaty is one of it's paragraphs or sub divisions or sections. In 1830 on the 27th day of September of that year a treaty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi; this was the treaty of 1830 or as sometimes called the treaty of Dancing Rabbit Creek; the object of that treaty was to remove the Choctaw Indians from the old Choctaw Nation which was partly in Mississippi and partly in Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into the treaty of 1830; that is the article under which you claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir I don't.

Q What is the name of your ancestor through whom you claim your

right to be identified as a Mississippi Choctaw? John Harper.

- Q What relation was John Harper to you? A Great grandfather.
 Q How much Choctaw blood did he have? A Full blood I think.
 Q Do you know whether his wife had any Choctaw blood? A I don't personally know; no, sir.
 Q Did you ever hear that in the family? A Of late, I have; I've heard that she was.
 Q How much Choctaw blood did she have? A She was a full blood.
 Q What was her name? A Polly Ann was her given name.
 Q Did they live in Mississippi or Alabama or did they live in either state in the old Choctaw Nation? A I don't know.
 Q Do you know whether either of them lived in the old Choctaw Nation and were the heads of families there then? A No sir I don't.
 Q Did either of them go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I don't know.
 Q That's what we call complying or in part complying with the provisions of article fourteen of the treaty of 1830; did you ever hear that either of them or any Choctaw ancestor of yours owned land in the old Choctaw Nation either in Mississippi or Alabama five years and then got a patent from the government for that land? A No sir I never have.
 Q Did either of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
 Q Did either of them or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
 Q Did any of them go at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of affecting a residence in the Choctaw Nation Indian Territory? A I do not know as to that.
 Q Did any of them or any Choctaw ancestor of yours own any improvements on land in the old Choctaw Nation in 1830?
 A I don't know as to that.

In 1837 and also in 1842 under various acts of Congress commissions were appointed which commissions went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830; the reason why these commissions were appointed was because of the complaints made by the Choctaw Indians that they had gone to Colonel Ward the United States Indian agent and had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and because he did refuse them their land had been taken from them in the old Choctaw Nation by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors John Harper or his wife Polly Ann or any other Choctaw ancestor go before either of these two commissions and claim any benefits under article fourteen of that treaty? A I can't say.
 Q Do you think so? A I can't say.
 Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q You claim through your father David Cheatham do you not?
- A Yes sir.
- Q Has he been before this Commission to be identified as a Mississippi Choctaw? A I don't know.
- Q How old is he? A Fifty four years old.
- Q Through which parent does he claim Choctaw blood?
- A Both.
- Q Both father and mother? A Yes sir.
- Q What was his father's name? A David.
- Q He was named after his father? A Yes sir.
- Q What was his mother's name? A Polly or Mary.
- Q You say your father claims his Choctaw blood through both father and mother? A Through his father; I misunderstood you.
- Q His father's name was David? A Yes sir.
- Q Now your grandfather claimed through whom? A I cant say.
- Q I want you to give me your genealogy if you can right back from you through your father to John Harper and Polly Ann Harper; can you do that; I think you have made some mistake; do you think you can get that straightened out? A I don't know; I don't thoroughly understand.
- Q Well you claim that John Harper was your great grandfather?
- A Yes, sir..
- Q And polly Ann was your great grand mother; now they had a son or daughter from whom you are descended; which was it; do you know? A Their son.
- Q What was his name? A David Cheatham.
- Q How could it be David Cheatham; the son of John Harper ought to be named Harper; do 'nt you think so. David Cheatham couldn't be very well the son of John Harper unless he changed his name. Haven't you made some mistake? A I expect I have.
- Q Don't you think that David Cheatham comes in as a later descendant of the child of John Harper and his wife Polly Ann; I would like to have you explain that if you can? A I don't think I can; of course I'm younger than the rest and I don't know very much about my ancestors.
- Q You rely upon the testimony given by others who are able to show this descent? A Yes sir.
- Q Are you related to G.C.Hanks? A I cant say as to that. His people are all strangers to me; I don't know anything about them.
- Q There was such a person who has been before the Commission and who claims his Choctaw blood through one John Harper and his wife. Do you know whether that is the same ancestor through whom you claim? A Yes, sir, that is the same.
- Q Now then that would show if he is the same, that G.C.Hanks is in some manner related to you would it not? A Yes, sir.
- Q Can you tell that relationship? A No, sir, I cant.

By Mr. Harrison:

We move, your Honor please that this case be referred to for the purpose of consolidation to the case of C.C. Hanks 6508; also to the case of Charles E. Duff M.C.R. 6563; this applicant claiming through the same common ancestor.

Examination by Mr. Harrison:

- Q Did you ever hear of your great grandfather going to Mississippi or being in Mississippi about 1830 and trying to get land there as a Choctaw Indian? A Not until lately.
- Q You get that information from conversation with members of your family? A Yes, sir.
- Q Also from family history and tradition? A Yes, sir.
- Q Now what is that information with reference to this particular point? A They said my great grand father and grandmother Harper were Choctaw Indians.
- Q Have you any information about them trying to register under that article as such in 1830 in Mississippi; have you heard anything about that? A I haven't heard enough about it to tell you what I have heard.
- Q You spoke of your great grandmother as being Polly Ann; did you ever hear of her being called Mary Ann or Polly? A Of late, yes, sir.
- Q Who was Polly Harper? A I can't say.
- Q Who was Lydia Harper? Have you ever heard that they were the children of John Harper and his wife Mary Ann? A If I have I don't remember it.
- Q Have you ever heard who was the husband of Polly Harper? A No sir.
- Q Do you know who John Cheatham was? A No sir I don't know.
- Q What was your grandfather's name? A My grandfather was named David Cheatham.
- Q What was his father's name? A I can't tell you.
- Q Your grandfather's was named David Cheatham and your father was named David Cheatham; that's as far back as you are able to go. A Yes, sir, that's as far back as I'm able to go.
- Q Well if Polly Harper was the daughter of John Harper and Mary Ann, they being full bloods, and she married a man named John Cheatham, a white man, their children would be half bloods would they not? A Yes sir.
- Q Then if David Cheatham was a child of Polly and John Cheatham David Cheatham would be a half breed and if he married a lady named Polly Garrett and she was a white woman, their children would be one fourth would they not, and if one of their children was David and he married a lady named Mary Van Horn and they had children they would be one eighth; then if you are a daughter of David Cheatham and Mary Van Horn his wife, you would be one eighth; that being true then you were mistaken a few minutes ago when you said you were one sixteenth. A Yes, sir.
- Q Isn't it a fact that you referred to your child as being one sixteenth instead of your self? A Yes sir.
- Q You heard the explanation which I gave a moment ago of your genealogy in which the calculation was made that you are one eighth and you stated that you are one eighth; you also stated that you were mistaken as to that and you referred to your child being one sixteenth and not to yourself.
- A Yes, sir.

Q And now you wish to change your statement and claim to be one eighth instead of one sixteenth? A Yes sir.

By the Commission.

Q Do you claim John Harper was your great grandfather?

A Yes, sir.

Q You claim through your father David Cheatham? A Yes, sir.

Q And his father was named David Cheatham? A Yes sir.

Q That would make the first David Cheatham your grandfather would it not? A Yes sir.

Q Now how could John Harper be your great grandfather if you claim in a direct line through your father and his father. Was your grandfather David Cheatham the son of John Harper your great grandfather? A No sir.

Q That's the way it appears now in your testimony; if he was his name was Harper. You say you claim through John Harper your great grandfather but you have already stated that your grandfather's name was David Cheatham, and by counting back to his father you get to your great grandfather, and you say his name was John Harper; is there somebody in that line between your grandfather David Cheatham and John Harper; if so then John Harper would be your great great grandfather instead of your great grandfather; do you know about that?

A He's my great great grandfather.

Q You think that's right do you? A Yes sir.

Q Now in the link of descent what ancestor comes in between John Harper your great great grandfather and your grandfather David Cheatham? A I don't know.

By Mr. Harrison:

Q It would be the father of your grandfather? A Yes sir.

Q Do you remember what his name was? A No sir.

Q John Cheatham wasn't it? A I don't know.

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By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; bluish gray eyes; ruddy complexion; medium fair.

Q You don't understand Choctaw? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Thirty days time is allowed in this case for the introduction of other proof.

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Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 19th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 24th day of February 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 6727
" 6729
" 7201
" 7200

Muskogee, Indian Territory, April 25, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 21st, enclosing marriage certificate of E.A. Large and Eva Cheatham, offered in support of the application of Eveline Large, et al., for identification as Mississippi Choctaws; certificate of marriage of John S. Knapp and Miss Christena Harper, offered in support of the application of Christina H. Knapp, et al., for identification as Mississippi Choctaws; marriage certificate of John L. Connely and Addie Cheatham, offered in support of the application of Addie Connely, et al., for identification as Mississippi Choctaws and the affidavits of Dora Barter and Emma V. Munson relative to the marriage of W.E. McGarrick and his wife, Mattie, offered in support of the application of Mattie McGarrick, et al., for identification as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Chairman.

M C R 6727

Muskogee, Indian Territory, May 27, 1903.

E. A. Large,
Parsons, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask that your marriage certificate be returned you.

In compliance with your request the same is herewith enclosed, a certified copy of the same having been made and filed with the record in the Mississippi Choctaw case of your wife, Eveline Large.

Respectfully,

Commissioner in Charge.

MoM 77

M C R 6727

Muskogee, Indian Territory, November 6, 1903.

Eveline Large,

Parsons, Kansas.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6727

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Eveline Large that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6727

Muskogee, Indian Territory, March 14, 1904.

Eveline Large,

Parsons, Kansas.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Lucy Large, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6727.

Muskogee, Indian Territory, June 26, 1905.

Eveline Large,

Parsons, Kansas.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6727

No. 6727

For Identification as a Mississippi Choctaw.

Date

FEB 9 1903

Name *Eveline Large.*Age 33 — Blood ~~4/16~~ 1/8 —Post Office, *Parsons, Kansas.*Father: *David Cheatham* } l.Mother: *Mary* } d.

Claims through father. 1/8 —

*Husband.**Ethan Allen Large. l.w.**No claim for husband*

Children:

*Luey Large 6**Claims for self &
one child*Stenographer *Clara Hutchins Wood*

Eveline Large et

CONFIDENTIAL
MAILED
JUN 13 1904
RECORDED

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

REFER TO M. C. R.

Choctaw MCR 6728

Annie Comely

MCR 6728

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 19, 1903.

In the matter of the application of Annie Connely for the identification of herself and her two minor children, Clara and Ernest Connely as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Annie Connely, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie Connely.
Q What is your age? A Thirty-two.
Q What is your post office address? A Parsons Kansas.
Q How long have you lived there? A One year.
Q Where did you live before that? A In the Indian Territory, Cherokee Nation.
Q How long did you live there? A Six years.
Q Where did you live before that? A Vernon County Missouri.
Q And how long did you live there? A I was born in Bates County Missouri.
Q And have lived in Missouri all your life until you went to the Indian Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No sir.
Q What is your father's name? A David Cheatham.
Q What is your mother's name? A Mary E. Cheatham; Mary Elizabeth
Q Is that the same Mary Cheatham given by Eveline Large? A Yes sir.
Q She left out the "E" but it's the same person? A Yes, sir.
Q Is Eveline Large your sister? A Yes, sir.
Q Having the same father and mother? A Yes, sir.
Q She made application to the Commission to day to be identified as a Mississippi Choctaw? A Yes sir.
Q Claiming through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A One eighth.
Q How much do you claim your father has? A One fourth.
Q Has he been before the Commission, do you know? A No sir.
Q Where is he living now? A In Illinois.
Q What place? A Hookdale.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Do you know when and where he was married to your mother?
A In Illinois.
Q Do you remember the place? A Springfield.
Q Do you remember the day of the month and year? A No sir.
Q Was he married by a minister under a license? A Yes sir he was married by a minister.
Q Have you the proof of his marriage with you? A No sir.
Q Is your husband living? A Yes, sir.
Q What's his race? A White.
Q What is his name? A G.W. Connely.
Q You make no claim for him? A No sir.
Q Have you children, you want to make application for?
A Yes sir; two.

- Q What is the name of the first one? A Clara.
 Q How old is Clara? A Eight years old.
 Q What is the name of the next one? A Ernest.
 Q How old is Ernest? A Four yearsold.
 Q Is that all the children? A Yes sir.
 Q You claim for yourself and these children? A Yes sir.
 Q Is G.W. Connely your husband the father of these two children
 A Yes, sir.
 Q Are you and your husband living together as husband and wife
 and are these children living with you at your home? A Yes,
 sir.
 Q Is your name or are the names of your children on any of
 the tribal rolls of the Choctaw Nation in the Indian Territory
 A No sir.
 Q Have you ever made application for citizenship in the Choctaw
 Nation for yourself and children to the Choctaw tribal authori-
 ties in the Indian Territory or to the Dawes Commission under
 act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship
 in the Choctaw Nation by either the Choctaw tribal authori-
 ties the Commission to the Five Civilized Tribes or the
 United States Court in the Indian Territory? A No sir.
 Q Do you come before the Commission now to identify yourself
 and your children as Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen of the treaty of 1830?
 A Yes sir.
 Q Do you understand that article? A Not altogether.

The treaty of 1830 was made between the United States govern-
 ment and the Choctaw Indians at a place in Mississippi called
 Dancing Rabbit Creek on the 27th day of September of the year
 1830; the object of this treaty was to remove the Choctaw
 Indians from the old Choctaw Nation east of the Mississippi
 river to the Choctaw Nation Indian Territory; before the treaty
 was signed it became known that a good many Choctaw Indians
 would refuse to go to the Choctaw Nation Indian Territory
 so that in order to protect the rights of those Indians who
 wanted to stay in the old Choctaw Nation article fourteen
 was drafted and put into the treaty of 1830; that article is
 as follows:

"Each Choctaw head of a family being desirous to remain
 and become a citizen of the states shall be permitted to do so
 by signifying his intention to the agent within six months
 from the ratification of this treaty and he or she shall
 thereupon be entitled to a reservation of one section of six
 hundred and forty acres of land to be bounded by sectional
 lines of survey; in like manner shall be entitled to one
 half that quantity for each unmarried child which is living
 with him over ten years of age to adjoin the location of the
 parent; if they reside upon said lands intending to become
 citizens of the states for five years after the ratification
 of this treaty in that case a grant in fee simple shall issue;
 said reservation shall include the present improvement of the
 head of the family or a portion of it; persons who claim under
 this article shall not lose the privilege of a Choctaw citizen
 but if they ever remove are not to be entitled to any portion
 of the Choctaw annuity."

- Q Did any of your ancestors comply with that article?
 A No sir not that I know of.
 Q What is the name of your ancestor that you claim through
 now? A John Harper.

- Q Do you claim through his wife? A I claim through David Cheatham.
- Q Yes, but how about John Harper's wife? A His wife and him also were full blood Choctaws.
- Q What relation was John Harper and his wife to you?
- A They was my great great grand parents.
- Q Did they live in Mississippi or Alabama in 1830 and have a family there then? A I don't know about the date.
- Q You don't know whether they lived in the old Choctaw Nation at that time? A No sir.
- Q Do you know where they lived? A No sir.
- Q Where they were born? A No sir.
- Q Where they died? A No sir.
- Q When they were born and where? A No sir.
- Q Or when they died? A No sir.
- Q You claim through your father David Cheatham do you, and he claimed through whom? A His father.
- Q He claimed through his father; what was his father's name.
- A David Cheatham.
- Q He claimed through whom? A John Harper.
- Q David Cheatham your grandfather claimed through his father or mother? A His father.
- Q What was his father's name? A John Cheatham.
- Q John Cheatham; that would be your great grandfather.
- A Yes sir.
- Q And did he claim through his father?
- A Yes sir; he would be my great grandfather.
- Q Now he claimed through his father did he? A Both of them; he claimed through this man Harper.
- Q John Harper and his wife? A Yes sir.
- Q What was John Harper's wife's name? A Polly Ann or Mary Ann.
- Q Then you claim through your father? David Cheatham? A Yes sir.
- Q He claimed through his father David Cheatham? A Yes, sir.
- Q And he claimed through his father John Harper and his mother Polly Ann? A Yes sir.
- Q Now how was it John Harper had a son named John Cheatham?
- A It had to be John Harper.
- Q Which was it? A John Harper.
- Q Did he have a son named David Cheatham? A No sir. I've got it mixed up but I don't know how to straighten it out.
- Q Perhaps you will have to depend upon the testimony of some body else to straighten that; unless you can do it yourself.
- Q Now yourself can't straighten it now? A I've got bothered.
- Q Do you know whether John Harper or his wife Polly Ann or any Choctaw ancestor of yours went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty? A No, sir, I don't.
- Q Did either of them or any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama five years and at the end of that time get a patent from the government for that land? A I don't know.
- Q Did either of them claim any and under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of affecting a residence in the Choctaw Nation Indian Territory? A I can't say as to that.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I cant say as to that; I don't know.

In 1837 and in 1842 commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow their names to be placed on his registry list and because of his refusal those Indians had their land taken from them in the old Choctaw Nation and sold.

Q Do you know if any of your Choctaw ancestors went before either of those commissions and claimed any benefits under that article of that treaty? A No sir.

Q Did any of them receive any scrip from the government which scrip was issued under act of Congress approved August 23rd 1842 and which entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly occupied in the old Choctaw Nation and which the government had taken from them and sold.

A No sir I dont. know.

Q Do you speak or understand the choctaw language? A No sir.

Q Are you related to Christopher C. Hanks who has made application to be identified as a Mississippi Choctaw. He's the same one that has been before the commission and claims the right to be identified as a descendant of John Harper and his wife. Is that the same John Harper that you claim as your ancestor? A Yes, sir.

Q Can you tell how you are related to Christopher C. Hanks?

A No, sir, I can't.

Q Are you sure you are related to him? A I can't say as to that. But we are distantly related I guess.

Q Did you ever hear you were related to him? (No answer).

By Mr. Harrison:

We ask your Honor please that this case be referred for the purpose of consolidation to the case of Christopher C. Hanks 6508 and also the case of Charles R. Duff whose number I do not know and of hers who are applicants claiming through the same common ancestor.

By the Commission.

Q Do you know of any Charles R. Duff? A No sir.

By Mr. Harrison:

Q Your father was David Cheatham? A Yes, sir.

Q And your grandfather also was David Cheatham? A Yes sir.

Q Now your great grandfather was named what - who was the father of your grandfather? A John Cheatham.

Q Whom did John Cheatham marry? A He married Polly Harper.

Q Who was Polly Harper? A She was the daughter of John Harper.

Q And who was the wife of John Harper? A Mary Ann.

Q Do you remember whether Polly Harper had any sister? A Yes sir.

Q What was her name? A Lydia.

Q Have you ever heard of John Harper making an attempt to get land in Mississippi about 1830 or 1831 as a Choctaw Indian?

A No sir.

Q You never heard that discussed in your family? A No sir.

---0---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; ruddy complexion; medium fair; blue-gray eyes.

Q You don't understand the Choctaw language? A No, sir.

She doesn't understand or speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830

Thirty days time is allowed for the introduction of other proof in this case.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 19th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes in said case.

Clara Mitchell Wood

Subscribed and sworn to before me this 25th day of February 1903.

Charles H. Sawyer

Notary Public.

M.O.R. 6728.

Muskogee, Indian Territory, November 6, 1903.

Annie Connely,

Parsons, Kansas.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6728.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Annie Connely that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time ~~granted~~ ^{granted}.

Respectfully,

Chairman.

M C R 6728

Muskegee, Indian territory, March 14, 1904.

Annie Connely,

Parsons, Kansas.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and minor children, Clara and Ernest Connely, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished the attorneys of record in your case, Messrs. Thomas & Harrison, Muskegee, Indian territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 6728 .

Muskogee, Indian Territory, June 26, 1905.

Annie Connely,

Parsons, Kansas.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6728

No. 6728

For Identification as a Mississippi Choctaw.

Date

FEB 15 1903

Name Annie Connely

Age 32

Blood

1/8

Post Office, Parsons Kas.

Father: David Cheatham, l.

Mother: Mary E. " d

Claims through, father, 1/4 -

Husband

G. W. Connely - l. w.

No claim for husband

Children:

~~Clara~~

Clara Connely, 8

Ernest " 4

Claims for self
and 2 minors

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Annie Connely et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
WICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR APPLICANT

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

RECORDED

FILED

RECORDED

RECORDED

NO

FORWARDED

REFER TO M. C. R.

5070

Choctaw MCR 6729

Addie Comely

MCR 6729

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 19, 1903.

In the matter of the application of Addie Connely for the identification of herself and her four minor children, Bertha, Nettie, Hattie and Lottie Connely as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant represented by Mr. Harrison.

Addie Connely being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Addie Connely.
Q What is your age? A Thirty.
Q What is your post office address? A Galesburg, Kansas.
Q How long have you lived there? A One year.
Q Where did you live before that? A Cherokee Nation.
Q In the Indian Territory? A Yes, sir.
Q How long did you live there? A Six years.
Q Where were you born? A Vernon County, Missouri.
Q Did you live in Missouri until you went to the Indian Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Cheatham. David Cheatham.
Q What was your mother's name? A Mary E. Cheatham.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q How much do you claim your father has? A I don't know as to that.
Q You claim all your Choctaw blood from your father? A Yes sir.
Q If you are one eighth he would be one fourth; do you claim he has that quantity? A Yes sir.
Q One eighth is one half of one fourth. A Yes/ sir.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know anything about.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A John Connely.
Q What is his nationality or race? A White.
Q Do you make any claim for your husband? A No, sir.
Q Do you know when your father and mother were married? A No sir I don't.
Q You haven't the proof of that marriage with you now? A No sir.
Q You have four children? A Yes, sir.
Q What is the name of the oldest? A Bertha, aged ten.
Q The next child? A Nettie, nine.
Q The next? A Hattie.
Q How old? A Eight.
Q The next? A Lottie.
Q How old? A Five.
Q You claim for yourself and these four children? A Yes, sir.

- Q Is your husband John Connely the father of these children?
 A Yes sir.
 Q Are you and your husband living together as husband and wife and are these children living with you at your home?
 A Yes, sir.
 Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir..
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

That treaty was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi on the 27th day of September of that year; its object was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw nation article fourteen was put into the treaty of 1830; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied with article fourteen of that treaty or not? A No sir I don't.
 Q What is the name of your ancestor that you are claiming through now? A Harper.
 Q What was his first name? A John Harper.
 Q What relation was he to you? A Great great grandfather.
 Q Do you claim through his wife? A I don't know as to that.
 Q How much Choctaw blood did John Harper have? A Full blood.
 Q You don't know about his wife? A No sir I don't.
 Q You don't know what her name was? A Polly Ann.
 Q Do you ever hear she had any Choctaw blood? A Not until of late

- Q Well have you lately? A Yes, sir.
- Q How much Choctaw blood did you hear she had? A I don't know that; I can't say.
- Q She was your great great grandmother? A Yes sir.
- Q Did John Harper or his wife Polly Ann Harper live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A I don't know.
- Q Don't know whether they were heads of families or not?
- A No sir.
- Q Did you ever hear that either of them lived in Mississippi or Alabama in the old Choctaw Nation at any time? A No sir.
- Q Did you ever hear whether either of them went to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear that either John Harper or his wife Polly Ann lived on land in the old Choctaw Nation for a period of five years and at the end of that time received a patent from the government for that land? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A No sir.
- Q Did any of them, John Harper or Polly Ann Harper or any other Choctaw ancestor of yours own any improvements in that old Choctaw Nation east of the Mississippi in 1830 and 1831?
- A I don't know.

In 1837 and also in the year 1842 commissions were appointed under various acts of Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these two commissions were appointed because of the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830 but who claimed Colonel Ward refused to allow them to register and because he did refuse to allow them to do this those Indians had their land taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of those two commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and allowed the holder to select land to take the place of land which they had occupied in the old Choctaw Nation and which the government had taken from them and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are you related to Christopher C. Hanks? A Well, I guess that I am; I don't know.
- Q You don't know about that? A No sir, I don't.

- Q A person by the name of Christopher C. Hanks who lived in Kentucky has made application to be identified as a Mississippi Choctaw before the Commission and he based his claim upon his descent from one John Harper an ancestor of yours and also John Harper's wife. Now do you know whether that John Harper that he claims descent from is the John Harper whom you claim your descent from. A Yes, sir; I don't know it.
- Q In order that your case may be considered with his it would be necessary for the Commission to be reasonably certain that you are related to this man and claim a common descent from this same John Harper; have you reason to believe that you are related to Christopher C. Hanks and claim through the same John Harper through whom he claims? A Yes, sir.

The case of Christopher C. Hanks M.C.R. 6508 is here referred to as the application of one whom this applicant claims to be related or has reasonable grounds of belief she is related to.

- Q Are you related to Charles A. Duff? A I don't know.

By Mr. Harrison.

- Q Did you ever hear that your great great grandparents had any children other than Polly? A No sir.
- Q Did Polly have a sister named Lydia that you ever heard of? A No sir; don't believe I ever did.
- Q You don't know. A No sir.
- Q Did you ever hear of your great great grand parents John Harper and wife trying to get land in Mississippi or Alabama or either of them as Choctaw Indians or as a Choctaw Indian? A No sir.
- Q Have you never heard of John Harper's wife being called Mary Ann? A No sir I don't think I ever did.
- Q She might have been and you not remember that? A Yes sir.
- Q Have you never heard that John Harper's wife Mary Ann or Polly All as you have heard was a full blood? A No sir, not until of late.
- Q I'm talking about any time. A Of late I have, yes, sir, just of late.
- Q Then you have heard that she was a full blood? A Yes sir.
- Q Do you get that information from your family? A Yes, sir.
- Q Your family history? A Yes, sir.
- Q And you heard lately that John Harper along about 1830 or 1831 attempted to register in Mississippi for the purpose of getting land as a Choctaw? A Well I don't know as to that.
- By the Commission:
Thirty days time is allowed this applicant for the introduction of other proof.

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By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark

brown hair; blue eyes; fair complexion, ruddy. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 25th day of February 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6727
" 6729
" 7201
" 7280

Muskogee, Indian Territory, April 25, 1903.

Thomas A Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 21st, enclosing marriage certificate of E.A. Large and Eva Cheatham, offered in support of the application of Eveline Large, et al., for identification as Mississippi Choctaws; certificate of marriage of John S. Knapp and Miss Christena Harper, offered in support of the application of Christina H. Knapp, et al., for identification as Mississippi Choctaws; marriage certificate of John L. Connely and Addie Cheatham, offered in support of the application of Addie Connely, et al., for identification as Mississippi Choctaws and the affidavits of Dora Barter and Emma V. Munson relative to the marriage of W.E. McCarriok and his wife, Mattie, offered in support of the application of Mattie McCarriok, et al., for identification as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Chairman.

M C R 6729

Muskogee, Indian Territory, October 12, 1903.

Mrs. Addie Connely,

Galesburg, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 3, 1903, asking if your application as a Mississippi Choctaw has been passed on. You also request the return of your marriage certificate.

In reply to your letter you are informed that your application for the identification of yourself and your minor children as Mississippi Choctaws has not yet been passed upon. As soon as a decision is reached in this case you will be notified of the action of the Commission.

In compliance with your request there is enclosed you herewith, a certified copy of the certificate of marriage between John L. Connely and Addie Cheatham on May 30, 1891, the original having been retained at this office for consideration in connection with your application.

Respectfully,

J D 5-12

Chairman.

M.C.R.6729.

Muskogee, Indian Territory, November 6, 1903.

Addie Connely,

Galesburg, Kansas.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

K.C.R.6729.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Addie Connely that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Addie Connely,
Galesburg, Kansas.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your four minor children, Bertha, Nettie, Hattie and Lottie Connely, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.O.A. 6729

Muskogee, Indian Territory, April 1, 1904.

Addie Connely,

Galesburg, Kansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 27, 1904, in which you request that your marriage certificate be returned to you if the Commission is through with it. In reply you are advised that such marriage certificate has been made a part of the record in your case, and it cannot be returned to you.

It appears from our records that on October 12, 1903, in compliance with your request, there was forwarded to you a certified copy of the certificate of marriage between John L. Connely and Addie Cheatham.

Respectfully,

Commissioner in Charge.

M.C.R.6729.

Muskogee, Indian Territory, June 26, 1905.

Addie Connely,

Galesburg, Kansas.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6729

No. 6729

For Identification as a Mississippi Cho

Date

FEB 13 1903

Name Addie Connely

Age 30

Blood

1/8

Post Office, Galeburg, Kansas.

Father: David Cheatham, l.

Mother: Mary E. " d.

Claims through

Father 1/4

Husband

John Connely, w. l.

No claim for husband

Children:

Bertha Connely 10.

Nettie

"

9

Katie

"

8

Lottie

"

5.

Claims for self &
4 minors

Stenographer Clara Mitchell Wood

A MISSISSIPPI CHOCTAW

Addie Bonnelly et al.

DECISION RENDERED.

MAR 4 1904

CCFYC DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF ELECTION BY THE DEPARTMENT

MAR 11 1904

OF THE CHOCTAW AND CHICKASAW NATIONS

MAR 11 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

FORWARDED

NOTICE

U.S. DEPT. OF INTERIOR

207

Choctaw MCR 6730

Hattie Cheatham

MCR 6730

6730

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 19, 1903.

In the matter of the application of Hattie Cheatham for identification as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Hattie Cheatham being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hattie Cheatham.
Q What is your age? A Twenty six.
Q What is your post office address? A Hookdale, Illinois.
Q How long have you lived there? A Seven years.
Q Where did you live before you lived at that place? A Poca-
hontas, Illinois.
Q How long have you lived in Illinois? A About nine years;
eight years.
Q And before that you lived in what state? A Missouri.
Q You were born in Missouri? A Yes, sir.
Q Where in Missouri? A Bates County.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A David Cheatham.
Q What is your mother's name? A Mary Elizabeth.
Q Do you claim your Choctaw blood through your father?
A Yes, sir.
Q How much do you claim? A One eighth.
Q Do you claim your father is one fourth Choctaw blood?
A Yes sir.
Q Has he been recognized or enrolled as a Choctaw Indian
by the Choctaw tribal authorities or by the United States
authorities in the Indian Territory? A No sir, not that I
know of.
Q Do you know when and where your father and mother were
married? A No sir.
Q Is your father here now ready to make application before
the Commission? A Yes sir.
Q Do you want to rely upon the testimony given in his case
and the proof filed by him as to his marriage? A Yes sir.
Q Are you married? A No sir.
Q Claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian
Territory? A No sir.
Q Have you ever made any such application to the Dawes Commis-
sion under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities the Commis-
sion to the Five Civilized Tribes or the United States
Court in the Indian Territory? A No sir.
Q Do you want to be identified now as a Mississippi Choctaw?
A Yes, sir.

- Q Do you claim under article fourteen of the treaty of 1830?
 A Yes, sir.
 Q Do you understand that article? A No sir.
 Q You don't know whether you claim under it or not do you?
 A I guess we do.
 Q Don't you know? (No answer)

Article fourteen was an article put into the treaty of 1830 or the treaty of Dancing Rabbit Creek as that treaty was sometimes called and in order to protect the interests of Choctaw Indians who refused to go from the old Choctaw nation to the Choctaw Nation Indian Territory, way back, seventy three years ago, when that treaty was made; the date of the treaty of Dancing Rabbit Creek was the 27th day of September of the year 1830; the government desired to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory and got their consent to go by their signature to this treaty except those Indians who refused to go and whose rights have since been defined by the provisions of the fourteenth article of the treaty of 1830; that is the article under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No sir.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.
 Q What relation was John Harper to you? A Great great grand father.
 Q Do you claim through John Harper's wife? A Yes sir.
 Q What was John Harper's wife named? A Polly Ann.
 Q How much Choctaw blood did Polly Ann Harper have?
 A I don't know.
 Q Was John Harper a full blood or half blood Choctaw? A Full blood.
 Q Did he or his wife live in Mississippi in 1830 or Alabama and have a family there then? A I don't know.
 Q Do you know where they were born? A No sir.
 Q Or where they died? A No sir.
 Q Do you know when they were born or when they died? A I don't know anything about them. A No sir.
 Q How do you know that you are related to John Harper and his wife Polly Ann Harper and that they had Choctaw blood; do you get it from other members of your family? A Yes sir.

- Q I guess you didn't know much about Polly Ann Harper until right recently did you? A No sir.
- Q How long have you heard that a man named John Harper was your great great grandfather and had Choctaw blood? A Just recently.
- Q How long have you known that you had Choctaw blood? A Just recently.
- Q Within two or three days? A Longer than that.
- Q Within a year? A Yes sir.
- Q Do you know whether John Harper or his wife or either of them lived on land in the old Choctaw Nation five years after the treaty of 1830 was ratified and then got a patent from the government for that land? A I don't know.
- Q Did you ever hear that any Choctaw ancestor of yours went to Colonel William Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty? A I don't know.
- Q Did either of them or any Choctaw ancestor of yours claim any land under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission appointed in 1837 or a Commission in 1842 which commissions were appointed by various acts of Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. A I don't know.

These commissions were appointed because of the complaints of Choctaw Indians who stayed back there in the old Choctaw Nation and who stated that they had tried to register under article fourteen of the treaty of 1830 but that Colonel William Ward the United States Indian agent had refused to allow them to register and because he did refuse to do this those Indians had their land which they occupied in the old Choctaw Nation taken from them by the government and sold together with the improvements upon that land.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you understand or speak the Choctaw language?
A No sir.
- Q Do you know whether you are related to a person named Christopher C. Hanks or not. A I always heard I was.
- Q You have always heard him spoken of as a relative of

Hattie Cheatham 4

yours? A Yes sir.

- Q He has been before this Commission to be identified as a Mississippi Choctaw and claims his Choctaw descent from one John Harper and his wife; is this the John Harper that you claim your descent from? A Yes sir.

The case of Christopher S. Marks M.C.P. 6408 is referred to for the purpose of consolidation.

Examination by Mr. Harrison:

- Q Did you ever hear of the wife of John Harper being known as Mary Ann? A Of late.
Q Then you have heard it? A Yes sir.
Q Did you ever hear that she was a full blood Choctaw Indian? A Of late I have.
Q Then you have heard it? A Yes sir.
Q And that is the information that you give and you get that from what source? A John Harper.
Q John Harper didn't tell you that because he's been dead too long. A I got it from my family.
Q You mean your father and other members of your family? A Yes sir.
Q That is your family history and tradition is it? A Yes sir.
Q Your grandfather was named David. A Yes sir.
Q Do you remember your great grandfather's name? A His name was Cheatham. John Cheatham.
Q Whom did he marry? A Polly Harper.
Q She was a daughter of whom? A John Harper.
Q And John Harper's wife's name was what? A Polly Ann.
Q Was she known by any other name except Polly Ann? A Mary Ann.
Q Did Polly Harper or Polly Cheatham have any sisters? A I can't say.
Q Did you ever hear of Lydia Harper? A No sir.
Q And that she was a sister of Polly Harper? A No sir.

---0---

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; blue eyes; medium fair complexion; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 19th day of February 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 26th day of February 1903.

Charles H. Sawyer

Notary public.

M.C.R. 6730.

Kuskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Kuskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Hattie Cheatham that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6730.

Muskogee, Indian Territory, November 6, 1903.

Hattie Cheatham,
Hookdale, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6730

Muskogee, Indian Territory, March 14, 1904.

Hattie Cheatham,
Neckdale, Illinois.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

registered

Commissioner in Charge.

M.C.R.6730.

Muskegee, Indian Territory, June 26, 1905.

Hattie Cheatham,

Hookdale, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1905.

Respectfully,

Chairman.

6730

No. 6730

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

Name *Hattie Cheatham*

Age *26*

Blood *'18*

Post Office, *Hookdale. Ill.*

Father: *David Cheatham, l*

Mother: *Mary E. .. a*

Claims through *father - '14*

~~Children:~~

*Claims for sep.
alone -*

Hattie Heatham

DECISION RENDERED

MAR 4 1904

ATTORNEY GENERAL AND
KASAW NATIONAL

MAR 4 1904

RECEIVED BY MAIL

MAR 14 1904

ATTORNEY GENERAL

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY

RETAIL OF THE

M

ACTION MAIL

OFFICE OF

CLERK

NOTICE

AV

ATTORNEY

REFER TO M. G. R.

5670

Choctaw MOR 6731

Effie C. Jackson

MOR 6731

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I:T. FEB. 19, 1903.

6731

In the matter of the application of Effie C. Jackson for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Effie C. Jackson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Effie C. Jackson.
Q What is your age? A Thirty three.
Q What is your post office address? A Butler, Missouri.
Q How long have you lived there? A All my life.
Q Is your father living? A My father's dead.
Q Is your mother living? A My mother's dead.
Q What was your father's name? A Firman Cheatham, Jr.
Q What was your mother's name? A Mary M. Cheatham.
Q Through which parent do you claim Choctaw blood? A My father's.
Q How much Choctaw blood do you claim? A My father was the son of David Cheatham and he was the son of Polly Harper who married John Cheatham.
Q How much Choctaw blood do you figure you have? A Wouldn't it be about one twelfth for myself; I have never stopped to think; I don't know.
Q You don't know how much to claim for your father? A No sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know that.
Q Do you know when and where your father and mother were married? A 20th of March, Montgomery County, Kentucky, 1859.
Q By a minister under a license? A Yes sir; by a minister in the Christian faith.
Q Have you proof of that marriage with you now? A I have.

(Affidavit of David Cheatham in reference to the marriage of Firman Cheatham to Mary Ann Redmon is presented by this applicant received filed, marked Exhibit "A" and made a part of the records in this case; also the joint affidavit of J.W. Redmon, S.P. Redmon and B.F. Wyatt in reference to the marriage of Firman Cheatham Jr. and Mary Margaret Redmon- marked Exhibit "B"; also affidavit of Henry Donovan, marked Exhibit "C".)

- Q Are you married? A I am.
Q Is your husband living? A Yes he is present.
Q What is his race; I mean by that what is his blood? A He is an American; white man.

Q What is his name? A William F. Jackson.

Q Ave you any other papers that you want to file now besides these you have already filed? A No sir.

Q Do you make this application for yourself alone? A Yes, myself alone.

Q You don't apply for your husband? A No sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I don't know sir.

Q You never have made any effort have you? A No sir, and no one has for me to my knowledge.

Q Do you now want to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.

Q Do you think you understand that article? A I think I do; I have read it.

Q Do you care to have it explained any further or not? A Well, I wouldn't object to having it read again.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen under which you are claiming today.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw and whom you think did comply? A John Harper.

Q What relation was John Harper to you? A My great great grandfather.

Q How much Choctaw blood did he have? A He was a full blood.

Q Do you claim through his wife? A Yes sir.

Q What was her name? A Mary Ann Harper.

Q Did you ever hear that she had any other name or any nickname?

A Pelly, yes; sometimes.

Q She had how much Choctaw blood? A She was a full blood.

Q Do you know whether John Harper or his wife, Polly or Mary Ann lived in the State of Mississippi or in Alabama in the old Choctaw Nation in 1830? A They lived in Mississippi I think; they left Mississippi I think about 1828 and went back in 1830; they went to Kentucky when they left the first time.

Q And lived in Mississippi then how long? A Indeed I don't know.

Q Were they living in Mississippi during that time between the treaty of 1830 and six months after? A They were in Mississippi at that time. A And made an effort to re-enroll at that time.

Q Did they make an effort to enroll under article 14 of the treaty of 1830 within six months after the ratification of that treaty? A Yes sir.

Q And were they living in Mississippi at that time? A Well, they moved back to Mississippi but I have forgotten just how long they stayed after they went back from Kentucky but they were there during the six months of that time I believe.

Q They were married at that time? A Yes sir.

Q Do you know whether they had children at that time? A Yes, they had two children.

Q Do you know whether John Harper or his wife lived on land in Mississippi or Alabama in that old Choctaw Nation for five years after the treaty of 1830 was ratified and then received a patent from the Government under that article? A I think so.

Q Received a patent? A Well, I don't know that.

Q You understand, a patent is a deed; when the Government granted what we call deeds of land at that time they were called patents. And a good many Choctaw Indians lived on land for five years after they had gone to Colward and having registered under article fourteen and according to the terms of article fourteen of the treaty of 1830 those who did live on land for five years after the ratification of the treaty of 1830 if they registered under that article would be entitled to these patents. Do you know whether John Harper or his wife or any Choctaw ancestor of yours received any such patent? A No, I don't.

Q Do you know whether either of them or any Choctaw ancestor of yours received or claimed any land in under article fourteen of the treaty of 1830 in the old Choctaw Nation in Mississippi or Alabama? A John Harper did.

Q Claimed land there? A He owned land there.

Q Did he but it? A I don't know how he got it.

Q Did you ever hear whether he got it from the Government or not? A I never heard.

Q How he got it? A No sir, I have heard that he hated to give up his home there and of course he made an effort to re-enroll and remain on his lands.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or forty? at the expense of the Government? A Not that I know of.

Q Did any of them go at any time between the date of the ratification of the treaty of 1830 and this application made by you to day--that would be the 24th day of February 1831? A I don't know that any of them went since 1831; John Harper went between 1830 and 1831 I think.

Q From that old Choctaw Nation in Mississippi to the Choctaw Nation Indian Territory? A No sir; I don't think any of them ever did; if they did I never heard of it.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 in 1830 or 1831? A I suppose John Harper did.

E. C. Jackson----4

Q Do you know where that land is located or how bounded? A No sir.

Q Or what became of it? A No sir.

Q Or whether there was any patent issued for it? A No sir. All I know about that is what my ancestors have told me.

Q Have they told you anything about it? A No sir; I was small when my parents died and that's all the extent of my knowledge about John Harper.

Q Do you know whether any of your Choctaw ancestors went before a Commission in 1837 or before one appointed by an act of Congress approved August 23, 1842? A I don't know.

Q These Commissions were appointed by various acts of Congress because of the complaints made by Choctaw Indians that they had tried to register under article fourteen of the treaty of 1830 but that they were prevented by Col. Ward the United States Indian agent and because they were not allowed to register, these Indians had their land taken from them by the Government and sold.

You say that you don't know whether any of your Choctaw ancestors went before either of them or not? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842; do you speak or understand the Choctaw language? A No sir I don't.

Q Are you related to Christopher C. Hanks? A Yessir.

Q He has made application for identification as a Mississippi Choctaw? And he claimed through John Harper and his wife; is it the same John Harper through whom you claim? A I think so.

Q Do you want his case considered with yours? A Yes sir.

(The case of Christopher C. Hanks, 6508, is here referred to for the purpose of consolidation.) Also Charles E. Duff-6563.

Q Is he also a relative of yours? A Yes sir.

Q Do you know what relation? A Well, I can't tell just the relationship of Duff.

Q But you know he is some? A Yes sir.

Q And he claims through John Harper and his wife? A Yes sir.

(Thirty days time is allowed the applicant in which to file further proof.)

Examination by Mr. Harrison:

Q You say that John Harper and his wife, Mary Ann-sometimes called Polly--were full blood Indians? A U u, yes sir.

Q And who did Polly marry? A John Cheatham. Polly was the daughter of John Harper and Mary Ann.

Q Did Polly have a sister? A Dhe did.

Q What was the sister's name? A Lyddie.

Q Was John Cheatham a white man? A Yes sir.

Q If John Cheatham was a white man, and Polly a full blood and they had children, they would be a half? A Yes sir.

E.C.Jackson----5

- Q Didn't they have children? A Yessir.
Q Who was David Cheatham? A He was a son of John Cheatham, and Polly Cheatham.
Q What was his wife's name, if he was a marriedman? A Her maiden name was Polly Garrett.
Q How much blood did their children have- David Cheatham's?
A They would be a quarter then.
Q Firman was one of the children of David and Polly? A Yes sir.
Q And he married M.A.Redmon? A Yes sir.
Q And you are a daughter of that union? A Yes sir.
Q Firman being a quarter- you being a daughter, what would be your blood? A I would be an eighth.
Q You stated a while ago you didn't know what it was.
A I had never stopped to think.
Q Have you ever remembered to have heard when John Harper went from Mississippi to Kentucky with his wife and family? A Well, I think it was about '28.
Q Where did you get that impression from? A From my ancestors; I can't exactly tell.
Q Have you ever heard it mentioned, in your family, among your ancestors, as a part of family history or tradition, that John Harper owned a home in Mississippi prior to 1830 or in 1831 or 1839?
A Yes sir.
Q Do you remember where that home was located? A I don't know where it was located. Never heard them say.
Q Do you remember where in Mississippi with reference to the old Choctaw reservation or Nation John Harper and his wife lived?
A I don't remember.
Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, hair dark brown almost black, brown eyes, and dark complexion. Does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25 day of February 1903.

Charles H. Jackson

Notary Public.

M.C.R. 6731,

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Effie O. Jackson that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6731.

Muskogee, Indian Territory, November 6, 1903.

Effie C. Jackson,

Butler, Missouri.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6731

Muskegee, Indian Territory, March 14, 1904.

Effie C. Jackson,
Butler, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6731.

Muskogee, Indian Territory, June 26, 1905.

Effie C. Jackson,

Butler, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6731

No.

6731

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

Name Effie C. Jackson.

Age 33 -

Blood

^{7/8} ~~South Indian~~

Post Office, Butler, Mo.,

Father: Firman Cheatham, Jr. d.

Mother: Mary M. " d.

Claims through

father -
Husband.

William F. Jackson. I. res.

No claim for husband

Children:

Claim for self
alone

Stenographer

N. G. Hearn

A MISSISSIPPI CHOCTAW.

Effie C. Jackson

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

RECORD FORWARDED DEPARTMENT. MAR 11 1904

ATTORNEY GENERAL.

MAR 13 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED
SECRETARY

70

FILE

CASE.

1

ENTER TO M. O. A.

5670

Choctaw MCR 6732

John W. Cheatham

MCR 6732

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 19, 1903.

6732

In the matter of the application of John W. Cheatham for the identification of himself and his three minor children, Thomas Firman, William E. and Florence L. Cheatham, as Mississippi Choctaws.

Thomas & Harrison for applicants.

John W. Cheatham being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Cheatham.
Q How old are you? A I am forty years old.
Q What is your post office address? A Pittsburg, Kansas.
Q How long have you lived there? A About 12 years.
Q Where were you born? A In Kentucky; near Mt. Sterling; I think it is in Montgomery County.
Q How long have you lived in that State? A I think I was 2 years old when the folks left there and then I lived 2 and a half years in Illinois; I think the rest of the time I was in Missouri till I was about 20. And then in Greenwood County, Kansas about 3 years; the rest of the time in Pittsburg, Kansas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Firman Cheatham.
Q What is your mother's name? A Mary Margaret.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I presume one eighth.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A I don't know; I think not.
Q Is Effie C. Jackson your full sister, having the same father and mother? A Yes sir.
Q She has just made application for identification as a Mississippi Choctaw? A Yes sir.
Q In her case she has introduced the proof of the marriage of her father and mother; do you wish to refer to the proof in her case and have it made a part of your own? A Yes sir.

(Reference is made to the case of Effie C. Jackson--
M.C.R. 6731-- in this connection--a full sister of this applicant.)

J. W. Cheatham---2

Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q What is her name? A Lucretia Cheatham.
Q Do you make application for her? A No sir.
Q How many children minors have you? A Three.
Q What is the name of the oldest? A Thomas Firman Cheatham.
He is 17. William B..
Q How old is he? A Fifteen.
Q Next? A Florence L. Cheatham 12 years old.
Q Do you claim for yourself and these three children? A Yes sir.
Q Is your wife Lucretia Cheatham the mother of these three children? A Yes sir.
Q Have you proof of the marriage with your wife with you now?
A Yes sir.
Q When were you married? A 29th of May, 1881.
Q At what place? A Near Butler, Mo, in the country.
Q Do you wish to introduce this certificate signed by S.P. Sicoloff minister of the Gospel? A Yes sir.

(Certificate of S.P. Sicoloff presented by this applicant received, filed and marked Exhibit "A2 and made a part of the records in this case; also affidavit of Effie C. Jackson-- marked Exhibit "B"; also a certified copy of the marriage license of the marriage of Mr. John Cheatham and Miss Louisa Cheatham a white woman, signed by S.P. Sicoloff-M.G. is presented by this applicant received filed marked Exhibit "C" and made a part of the records in this case.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or children--- A I haven't.
Q To the tribal authorities of the Choctaw nation in the Indian Territory--
have you ever made any such application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the authorities of the United States-- the Choctaw tribal-- the Dawes Commission or the United States Court in Indian Territory?
A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I think I have understood it enough to claim under it; I understand it in a general way.

The article then without the explanation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim now?
A John Harper.
Q Did he or any of your ancestors comply or attempt to comply with it? A
A I think he attempted to comply with it.
Q Did he succeed? A I think not.
Q What relation was he to you? A Greatgreat grandfather.
Q Do you claim through his wife? A Yes sir.
Q What was her name? A Mary Ann Harper.
Q How much Choctaw blood did John Harper or his wife, Mary Ann have? A Supposed to be full blood Choctaws.
Q That is a matter of family history? And tradition? A Yes sir.
Q You claim through your father? A Yes sir.
Q And his claim for Choctaw blood is through whom? A His father.
Q What was his father's name? A David Cheatham.
Q And that would be your grandfather; David Cheatham your grandfather claimed through whom? A A His mother; John Cheatham married Polly Harper who was a daughter of John and Mary Ann Harper.
Q Then John Cheatham married a woman whose maiden name was Polly Harper? A Yes sir.
Q And she was a daughter of John Harper and Mary Ann Harper?
A Yes sir.
Q Did John Harper or Mary Ann Harper his wife or their daughter or any other Choctaw ancestor of yours live in Mississippi in 1830 and have a family there then? A Well, its only hear-say; I have heard it spoken of.
Q But what did you hear? A I don't remember anything in particular about it that would have any bearing on the case.
Q You don't know whether they ever lived in Mississippi or Alabama in the old Choctaw Nation at any time? A No sir.
Q Did any of your Choctaw ancestors, John Harper or his wife, or any of them go to Col. Ward within six months after the ratification of the treaty of 1830 and try to register under article 14 of that treaty? A I knew nothing about that only what the others have told me.

Q What have they told you? A That's what I heard recently; that he attempted to register there.

Q From members of the family? A Yes sir.

Q And since this matter of making application has been agitated?

A Yes sir.

Q Do you know whether they did register? A I don't.

Q Who went; did Mary Ann Harper go? A I understand that John Harper went.

Q Did you understand that his wife went or not? A I can't say.

Q Do you know whether they lived on land or any other Choctaw ancestor of yours lived on land in the old Choctaw nation for five years and then got a patent from the Government for their land?

A I don't know.

Q Did either of them claim any lands in the old Choctaw Nation under the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q Did John Harper or Mary Ann Harper or any other Choctaw ancestor of yours go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 to 1838 with the other Indians? A I don't think so; I haven't heard it mentioned.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know.

In 1837 by an act of Congress approved March 3, that year and in 1842 by an act approved August 23, that year, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830;

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of that treaty? A I don't know; I can't say that I do know.

Q These Commissions were appointed by various acts of Congress because of the complaints made by the Choctaw Indians that a good many members of that tribe went to Col. Ward and attempted to register under article fourteen of the treaty of 1830 and because Col. Ward refused to register them their land had been taken from them in the old Choctaw Nation and sold by the Government: these Commissions were appointed to remedy the wrongs inflicted upon them by this act of the Government afterwards.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I think not.

Q This scrip was issued under the act of Congress approved August 23, 1842. Do you speak or understand the Choctaw language? A No sir.

Q What relation is Christopher C. Hanks to you, if any? A -----

Q Have you ever heard that he was related to you? A Yes, I heard that he married a sister of mine great grandfather's wife.

Q Are you related to him by blood? A I can't say.

Q Did you ever hear that in the family as a matter of family history? A Yes sir.

J.W.Cheatham-----5

Q Do you know where he is living now? A I don't.
Q If C.C.Hanks has made application to be identified as a Mississippi Choctaw and has made his claim through John Harper as a Choctaw ancestor--do you know whether the Choctaw ancestor he claims Choctaw blood from is the same one you claim through?
A yes; the same John Harper.
Q Do you want to have his case referred to? A Yes sir.

The case of Christopher C. Hanks is referred to for the purpose of consolidation--

Q Also the case of C.E.Duff-- is he a relation of yours? A Yes sir.

also M C R 6563 is also referred to as a relative claiming through the same common ancestor.

(30 days time is allowed in this case for the purpose of submitting other testimony.)

Examination by Mr. Harrison:

Q You don't know that any of your ancestors received any scrip which entitled them to receive land in Mississippi, Alabama, Arkansas or Louisiana, do you? A No sir.
Q Did you intend to say in answer to that question by the Commission that you didn't know or that you didn't think so?
A Well, if they did I don't know anything about it.
Q That's all.

By the Commission:

This applicant has the appearance of being descended from white parentage; dark brown hair, hazel eyes and medium dark complexion; has no knowledge of the Choctaw language.

Henry M. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 25 day of February, 1903.

Henry M. Hains
Charles W. Harrison

Notary Public.

M.C.R. 5732.

Muskogee, Indian Territory, November 6, 1903.

John W. Cheatham,

Pittsburg, Kansas,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6732.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified John W. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

John W. Cheatham,
Pittsburg, Kansas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for the identification as Mississippi Choctaws of yourself and your three minor children, Thomas F., William E. and Florence L. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas A. Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6732.

Muskogee, Indian Territory, June 26, 1905.

John W. Cheatham,
Pittsburg, Kansas.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6732

No.

6732

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

Name John W. Cheatham

Age 40 - Blood '18

Post Office, Pittsburg, Kansas,

Father: Firman Cheatham d.

Mother: Mary M. .. d.

Claims through father, --

Wife.

Lucretia Cheatham, l. w.

No claim for wife.

Children:

Thomas F. Cheatham 17

William E. .. 15

Florence L. .. 12

Claims for self 2

3 minor. -----Stenographer H. G. H. am

John W. Cheatham

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION
ATTORNEYS FOR CHOCTAW AND

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 14 1904

DEPARTMENTAL
MAILED APR 14 1904

JUN 14 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT 11

NOTICE OF DEPARTMENTAL ACTION
MAILED APR 14 1904
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 6733

Lou. C. Fulkerson

MCR 6733

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 19, 1903.

6733

In the matter of the application of Lou C. Fulkerson for the identification of herself and her minor child, Charles A. Fulkerson, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Lou C. Fulkerson, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lou C. Fulkerson.
Q What is your age? A Thirty.
Q What is your post office address? A Butler, Mo.
Q How long have you lived in Butler? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Marion Cheatham.
Q What is your mother's name? A Georgia Cheatham.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim your father was one quarter? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Have you proof of his marriage with your mother? A Yes sir.
Q You intend to present it later? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A White man.
Q What is his name? A Charles W. Fulkerson.
Q Then you don't make any claim for him as a Choctaw Indian? A No sir.
Q How many children have you? A Just one little boy.
Q What is his name? A Charles A. Fulkerson.
Q How old is he? A He is 4 years old today.
Q Is your husband Charles W. Fulkerson the father of this child? A Yes sir.
Q And are you and he living together at your home as husband and wife and is this child living with you there? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Not till this.
Q Have you made application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q This is the first application of any kind you have ever made to any authority? A Yes sir.
Q You never have been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.

Q Do you come before the Commission at this time to identify yourself and child as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A I think I do.

Q Without the explanation, article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A That's my understanding that John Harper did.

Q Do you claim through John Harper? A I do.

Q What relation was John Harper to you? A My great great-grandfather.

Q Do you claim through his wife? A Yes sir.

Q What was her name? A Mary Ann.

Q How much Choctaw blood did he have? A John Harper was full-blood.

Q How much did she have? A Full blood too.

Q Did they live in Mississippi or Alabama in 1830 and have a family there at that time? A I think not.

Q Did you ever hear that they lived in Mississippi or Alabama in the old Choctaw Nation? A Well, its my understanding that they did

Q Do you know where they were born and when? A No sir.

Q Or where and when they died? A No; I don't know.

Q Where did they ever live? A In Kentucky.

Q Is it your understanding that they always lived in Kentucky?

A Not always.

Q Where did they live outside of Kentucky? A I don't really know.

Q You never heard that they lived in the old Choctaw Nation either in Mississippi or Alabama? A Not that I know of.

Q You never heard that they lived on land in that old Choctaw Nation five years and then got a patent from the Government for that land? A Not that I know of.

Q Did they ever claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A John Harper went there to claim.

Q Where did he go from? A Kentucky.

Q Did he succeed when he made application? A No sir.

Q Did he go to Col. Ward within six months after the ratification of the treaty of 1830 and try to register under that article?

A He did; its my understanding that this agent wouldn't let him pr something.

L.C. Fulkerson----3

Q Who is it refused to allow him to register? A The Indian agent.

Q Do you remember his name? A Wasn't it Ward?

Q He was the agent at that time. A They say he was intoxicated at that time.

Q What did he do after he attempted to register before Ward and failed? A Well, he stayed there for a while and I think he then returned to Kentucky.

Q Do you know how long he stayed? A He went there in 1830 and I don't know whether he stayed till 1831 or not; I don't know how long; it was quite a while though.

Q Your tradition on that point is not very plain? A It is only just what I heard.

Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 which was on the 24th day of February 1831, and the date of this application made by you today? A I don't know.

Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 at the expense of the Government? A I think not.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I think not.

Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved March 3, 1837 or before a Commission appointed by an act of Congress approved August 23, 1842 and claim rights under article fourteen of the treaty of 1830? A John Harper is all I know anything about.

Q Did he go before either of these Commissions-- the one in 1837 or 1842? A I don't know anything about only 1830. I don't know whether he did or not.

Q These Commissions were appointed by various acts to hear claimants who said they had gone to Col. Ward within six months after the ratification of the treaty of 1830 and tried to register but because he had refused to allow them to register their lands had been taken from them in the old Choctaw Nation and sold there either that or they had been refused to occupy land at all and in order to have their rights under article fourteen they went before these Commissions--some went in 1837 and some in 1842.

Q Did any of your Choctaw ancestors claim or receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to these Indians who claimed their rights under article fourteen of the treaty of 1830 and also claimed that their land in the old Choctaw nation had been taken from them and sold by the Government. Do you speak or understand the Choctaw language? A I don't.

(Thirty days time is allowed in this case for the introduction of other proof.)

Q Are you related to Christopher C. Hanks? A Yes sir.

Q Are you related to C.E. Duff? A Yes sir.

The case of Christopher C. Hanks--6508-- and C.E. Duff, --6663-- is here referred to for the purpose of consolidation.

The affidavit of James F. White in regard to the marriage of Polly Garrett and David Cheatham received filed, marked Exhibit "B" and made a part of the record; the joint affidavit of Melissa Garrett, Albert Orear, Sallie Hoffman and John T. Hoffman, presented by applicant, received filed Marked Exhibit "B"; statement of G.J. Warren, D.C. (being the signature of Howard Anderson, clerk of Maontague County Court, State of Kentucky by said G.J. Warren) in regard to the description of marriage records presented by this applicant, received filed marked Exhibit "C"; statement under oath of Albert Orear and Josiah Orear in regard to the destruction by fire of the court house in Mt. Sterling, Montague County, Kentucky, among which records was the records of the marriage of Marion Cheatham and Georgia Orear, presented by applicant, received filed, marked Exhibit "D"; the further statement of Howard Anderson in regard to the destruction by fire of the court house in Montague County, Kentucky, presented by applicant, received, filed and marked Exhibit "E"; statement of Henry Donovan received, filed marked Exhibit "F" and made a part of the records in this case.

Examination by Mr. Harrison:

Q Is it not a part of your family history that John Harper and his wife owned a home in Mississippi prior to and about the time of 1830? A I don't know; I only know about John Harper going from Kentucky to make a claim.

Q How long had he been living in Kentucky at that time? A I don't know.

Q Where did he go to from Kentucky? A I don't know.

Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage. Brown hair, blue eyes, medium fair complexion; no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25 day of February, 1903.

Charles T. Sawyer

Notary Public.

M.C.R. 6733.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Lou C. Fulkerson that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6733.

Muskogee, Indian Territory, November 6, 1903.

Low C. Fulkerson,

Butler, Missouri,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6733

Muskegee, Indian Territory, March 14, 1904.

Lou C. Fulkerson,
Butler, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Charles A. Fulkerson, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6733.

Muskogee, Indian Territory, June 26, 1906.

Lou. C. Fulkerson,
Butler, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6733

No. 6733

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

Name Lou C. Fulkerson.

Age 30 - Blood '18

Post Office, Butler, Mo.

Father: Marion Chestnut, d

Mother: Georgia, " b.

Claims through father '14 -

Husband -

Charles W. Fulkerson, l.w.

No claim for husband

Children:

Charles A. Fulkerson 4.

Claims for self and
child -

Stenographer H. G. H. and

Lou. C. Fulkerson et

DECISION RENDERED

MAY 4 1904

COPY OF DECISION
ATTORNEY FOR CHICKASAW AND
CHICKASAW NATIONS.

MAY 4 1904

NOTICE

MAY 11 1904

MAY 11 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTED BY

MAY 11 1904

REFER TO M. C. R.

(11)

Choctaw MCR 6734

Emma Artie Cheatham

MCR 6734

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. Feb.19, 1903.

6734

In the matter of the application of William Jackson, a white man for the identification of his two minor wards, Emma Artie and Florence Elva Cheatham, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

William Jackson being sworn testified as follows:

Examination by the Commission:

Q What is the name of the oldest one of these children? A Emma Artie Cheatham.

Q What is the name of the next one? A Florence Elva Cheatham.

Q What is your name? A William Jackson.

Q What is your age? A Forty years.

Q What is your post office address? A Butler, Missouri.

Q You are a white man are you? A Yes sir.

Q You make application at this time for the identification of your two wards, Emma Artie Cheatham and Florence Elva Cheatham?

A Yes sir.

Q Do you make that application by virtue of your appointment as guardian for these two children, which authority you now desire to file? A Yes sir.

A certified copy of the original order of appointment of William Jackson as guardian of the persons and curator of the estates of Florence Elva and Emma Artie Cheatham; also copy of the bond filed by said William Jackson in pursuance of said appointment is presented by him received, filed, marked Exhibit "A" and made a part of the records in this case.

Q How old is your ward, Emma Artie Cheatham? A She is nineteen.

Q How old is your other ward, Florence Elva Cheatham? A Seventeen.

Q What is the name of the father of these children? A Squire David Cheatham.

Q Is he living? A Yes sir.

Q What is the name of the mother of these children? A Laura Shepherd now; it was Laura Cheatham.

Q Is she living or dead? A Living.

Q Through which parent do these children claim their Choctaw blood? A Their father.

Q How much Choctaw blood did their father have? A I presume he was one eighth.

Q You claim one sixteenth for these children? A Yes sir.

Q What is their post office address? A Butler, Missouri.
 Q The same as your address? A Yes sir.
 Q How is it you are the guardian of the children whose parents are living? A Well; since these children were born the parents have parted and are not living together.
 Q They have been divorced; have they? A Yes sir.
 Q Who was awarded the custody of the children, the father or mother? A Well, I think the mother took one of them and the father one of them; well, they are living with me at the present time.
 Q Is it a fact that the parents didn't take proper care of them and that is the reason you were given them? A Well, there was no one to take care of the children and they went to live with their grandmother and when she died they come to live with my wife and myself.
 Q And you make application then at this time for these two children as guardian for them under this proof of your appointment filed in this case? A Yes sir.
 Q Has their father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A Not to my knowledge he hasn't.
 Q Do you know when and where Squire David Cheatham was married to Laura? A Bates County, Missouri.
 Q By a minister under a license, do you know? A By license; I don't know whether it was before the license was in effect or not.
 Q Do you want to introduce this affidavit and have it made a part of the record in this case? A Yes sir.

the joint affidavit of Allen Wright and J.C. Jackson offered in evidence, received, filed, marked Exhibit "B" and made a part of the records in this case; also certified copy of the marriage license of the marriage between S.D. Cheatham and Laura Shepherd received, filed marked Exhibit "C" and made a part of the record in this case.

Q Are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for these children to be admitted to citizenship in the Choctaw Nation or has anyone else for them to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; not before today.
 Q They never have been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
 Q Do you come before the Commission as their guardian to make application for their identification as Mississippi Choctaws claiming under article fourth of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A I have read it; I guess I understand it to a certain extent.
 Q Well enough to claim under it for these children? A Yes sir.
 Q The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the

present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether the ancestor or ancestors of these children ever complied with that article or not? A No sir, I don't know.
- Q What was the name of the ancestor of these children through whom you claim for them now? A John Harper and Mary Ann Harper or Polly/
- Q Were they husband and wife? A Yes sir.
- Q What relation was John Harper to these children? A I don't know as I am well enough up on that to say; I suppose it would be about great-great-great-grandfather- something of that sort.
- Q Do you think that's right-- great great great grandfather?
- A Well, it might be another degree; I can't say.
- Q Well it is important that you do know something about this.
- A Well, all I know is from hear-say.
- Q Well you can give what you think to be the proper relation between John Harper and his wife and these children or make any statement you want to in regard to it. A Well, I judge it would be great great great grandfather.
- Q And the same relation on the maternal side for Mary Ann Harper?
- A Yes sir.
- Q How much Choctaw blood did John Harper have? A He was full blood.
- Q How much did Mary Ann Harper have? A She was full blood.
- Q How do you know that these children had ancestors who were full blood Indians and who were husband and wife? A All I know is by hearing John and Polly Harper heirs talking about it.
- Q Family history and tradition? A Yes sir.
- Q Do you know whether John Harper and his wife lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and were married and had children living there then? A I think they lived in Mississippi but I don't know what time and they moved to Kentucky and later on John Harper went back and tried to register or something that-a-way.
- Q Did his wife go with him? A I can't say.
- Q Did he go to Col. Ward within six months from the ratification of the treaty of 1830 and try to register? A Yes sir.
- Q Did he succeed? A Well, I think the agent being drunk or something he wasn't allowed to or something like that; I have heard such talk.
- Q Did he try to register under article fourteen of the treaty of 1830? A Well, it was some article and treaty along about that time I don't remember the dates.
- Q You said something about the agent being drunk; how do you know he was? A They said he was; found it out some way from some of the old Harpers; they knew he was; I don't know only of tradition hearing them talk.
- Q Do you know whether any of the ancestors of these children lived on land in that old Choctaw Nation in Mississippi or Alabama for five years and then received a patent from the Government?
- A No sir, I don't know.
- Q You never heard about a patent being issued to their ancestors?
- A No sir.
- Q Did you ever hear that any of the Choctaw ancestors of these children claimed any land under article fourteen of the treaty of 1830? A No sir.

W.Jackson---4

Q Did you ever hear whether the Choctaw ancestors of these children went from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A No sir, I don't know.

Q Or at any time between the date of the ratification of the treaty of 1830 and the date of this application made by you for them today? A No sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 under an act of Congress approved March 3, that year, and in 1842 by another act of Congress approved August 23, that year Commissions were appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. These claimants who appeared before them tried to register or asserted that they did try to register under article fourteen but that Col. Ward refused to allowed them to register and because of his refusal their land they claimed had been taken from them by the Government and sold.

Q Do you know whether any of the Choctaw ancestors of these children went before either of these two Commissions and claimed any benefits under article fourteen of that treaty? A I don't know.

Q Did you ever hear that any of the Choctaw ancestors of these children received any scrip from the Government which entitled them to select land in Mississippi Alabama, Arkansas or Louisiana?

A No sir.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do they, either of them understand Choctaw? A No sir.

Q What is the personal appearance of Emma Artie Cheatham? A She is fair.

Q Blue eyes? A I can't swear; dark I guess.

Q What is the personal appearance of her sister/ Florence?

A About the same.

Q Dark or light eyes? A Dark eyes.

Q How about her hair-- dark or light? A Well, its not black and its not very light.

Q Are these children related to Christopher C. Hanks? A Yes; some relation.

Q Christopher C. Hanks has been before this Commission to be identified as a Mississippi Choctaw claiming through John Harper; do you know whether the John Harper through whom he claimed is the same ancestor through whom you claim for these children?

A Supposed to be the same; at least they claim they are.

Q Is that a matter of family tradition? A Yes sir.

The case of Christopher C. Hanks 6508 is referred to for the purpose of consolidation.

Q C.E. Duff, is he related to these children? A Yes sir.

Q What relation--do you know? A I can't say.

The case of C.E. Duff, --6563-- is referred to in this connection for the purpose of consolidation.

Thirty days time from the date of this application is allowed for the introduction of other proof.

Examination by Mr. Harrison:

- Q Is Firman Cheatham Jr. the father of Squire D. Cheatham? A Yes.
Q Who did Firman Cheatham Sr. marry? A Mary M. Redmon.
Q Who was the father of Firman Cheatham Sr.? A David Cheatham.
Q Who did he marry? A Polly Garrett I think. I have heard.
Q Do you remember to have heard who was the father of David Cheatham the father of Firman Cheatham, the husband of Polly Garrett?
A John Cheatham.
Q Who did John Cheatham marry? A Polly Harper.
Q Who was Polly Harper? A Was the daughter of John Harper and Mary Ann Harper.
Q If John and Mary Ann Harper were full blood Choctaw Indians their children would be full blood Indians also? A Yes sir.
Q And if one of their children was Polly and she married a white man named John Cheatham and they had children these children would be a half wouldn't they? A Yes sir.
Q If David was the son of one of these children and he married a lady named Polly Garret, a white woman, and they had children, these children would be one quarter, wouldn't they? A Yes sir.
Q And the children of Firman would be an eighth? A Yes sir.
Q And the grandchildren of Firman would be one sixteenth, wouldn't they? A Yes sir.
Q Well, aren't these children the grandchildren of Firman Jr?
A Yes sir.
Q Then it would make John Harper the great great great grandfather of these children? A Yes sir.
Q You know nothing except from your family history and tradition?
A That's all.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25 day of February, 1903.

Charles H. Sawyer

Notary Public:

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified William Jackson that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his two minor wards, Emma Artie and Florence Elva Cheatham, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6734

Muskogee, Indian Territory, November 6, 1903.

William Jackson,

Butler, Missouri.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your two minor wards, Emma Artie and Florence Elva Cheatham, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Anna Artie Cheatham,

Butler, Missouri.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission to the Five Civilized Tribes rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by William Jackson for the identification as Mississippi Choctaws of yourself and your sister, Florence Elva Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be forwarded to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

registered

Commissioner in Charge.

M.C.R.6734.

Muskogee, Indian Territory, June 26, 1905.

Emma Artie Cheatham,

Butler, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised on the 14th day of March, 1904.

Respectfully,

Chairman.

6734

No.

6734

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

William Jackson ^{guardian}

Name Emma A. Cheatham 1

~~Alva~~ FLORENCE E.

Age 40 - Blood white

Post Office, Butler, Mo. of
children & guardian
Father: Claim for

Mother: 2 wards,

~~Claims through~~ to wit;

Emma Artie Cheatham, 19.

Florence Elva " 16 17

J. Squire W. Cheatham, l.

Children

m. Laura " l.

children claim through
father, Squire W. Cheatham, 18

Claims for 2 wards.

Stenographer N. G. Harris,

FOR IDENTIFICATION
A MISSISSIPPI CH

Emma Artie C. Heatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED
CR. 1

MAR 14 1904

NOTICE OF DECISION
MAILED APPLICANT
MAR 14 1904

REFER TO M. C. R.

5670

Choctaw MCR 6735

David Cheatham

MCR 6735

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 19, 1903.

6735

In the matter of the application of David Cheatham for the identification of himself and his three minor children, Fannie, Lewis and Lena Cheatham, as Mississippi Choctaws,

Thomas & Harrison, attorneys for applicants:

David Cheatham being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A David Cheatham.
Q What is your age? A Fifty five.
Q What is your post office address? A Hookdale, Ill.
Q How long have you lived there? A About six years.
Q Where did you live before that? A Pechahontas, Ill., one year and a half before that, and I went from Missouri to Illinois.
Q Where were you born? A Born and raised in Kentucky.
Q Where in Kentucky did you live? A Near Mt. Sterling.
Q How long did you live there? A About until I was 8 years old.
Q From that state you went where? A To Illinois and stayed there three years; and come from Illinois to Missouri.
Q You lived in Missouri how long? A About 28 years and I moved back to Illinois.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A David Cheatham.
Q What was your mother's name? A Polly Cheatham.
Q Did you call her Polly? A Yes sir.
Q Do you claim your Choctaw blood from your father? A Yes sir.
Q How much do you claim? A A quarter.
Q You claim that your father was a half Choctaw? A Yes sir.
Q Has your father David Cheatham ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not to my knowledge.
Q How old would your father be if living now? A About 95 years old I suppose.
Q Have you proof of your father and mother's marriage here?
A Yes; it is filed in Mrs. Fulkerson's case.
Q That proof is filed in the case of Lou C. Fulkerson--6737?
A Yes sir.
Q And you want to refer to that record do you? A Yes sir.

The record in the case of Lou C. Fulkerson--6737-- is here referred to.

D. Cheatham---2

Q Are you married? A I was but my wife's dead.
Q What was her name? A Mary E. Cheatham.
Q How long has she been dead? A Little over nine years.
Q What was her race? A She was a white woman.
Q Have you any minor children that you want to make application for? A Three.
Q What is the name of the eldest? A Fannie.
Q How old is she? A Eighteen.
Q The next? A Lewis.
Q How old is he? A Sixteen.
Q Next? A Lena.
Q How old is she? A Fourteen.
Q You make claim for yourself and three children, do you?
A Yes sir.
Q Is your deceased wife, Mary E. Cheatham, the mother of these three children? A Yes sir.
Q Have you proof of your marriage to your wife with you? A Yes sir.

Certificate of marriage signed by John Shoemaker, Clerk of the County Court of Montgomery County, Ill., between David Cheatham and Mary Van Horn; also affidavit of P. Augustus Swart in regard to the marriage of the above couple; the first marked Exhibit "A" the last "B", and both received, filed, and made a part of the record in this case.

Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation, in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application for citizenship you have ever made for yourself and children to any authority whatever? A Yes sir.
Q Have you ever been enrolled as Choctaw Indians by any authority whatever with your children? A No sir.
Q Do you come before the Commission at this time to make application for identification of yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I have read it over; I think I understand it well enough.
Q You don't care for any further explanation of it? A No sir.

The article itself is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the date of the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent;

D. Cheatham----3

If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty and he or she shall thereupon in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A I don't for certain.

Q What was the name of your ancestor or ancestors through whom you make this claim now? A John Harper.

Q What relation was he to you? A He was my great grandfather.

Q Do you claim through John Harper's wife? A They were both Choctaws.

Q Mary ANN Harper was it? A Yes sir.

Q Did you know her by any other name? A Polly.

Q Was she your great grandmother? A Yes sir.

Q How much Choctaw blood did John Harper and his wife have?

A Full bloods.

Q Both of them? A That's what my ancestors say.

Q Do you know how old John Harper would be if living now or his wife? A No sir, I don't.

Q Do you know when or where either of them died? A No sir.

Q Where did they live during their life time? A I suppose they lived in Kentucky from what I hear and in Mississippi.

Q Did they live in Mississippi in 1830 and have a family there then? A I have heard that they went from Kentucky and come from Mississippi to Kentucky in 1828 and about 1830 and 1831 they went back to Mississippi.

Q Previous to going to Kentucky how long did they live in Mississippi, do you know? A No sir.

Q And after going back from Kentucky in 1830 how long did they stay in Mississippi? A I can't say.

Q Did either of them go before the United States Indian agent within six months from the ratification of the treaty of 1830 and signify an intention to remain in Mississippi, take land there and become citizens of the States? A No sir, I don't know.

Q Do you know whether John Harper or his wife, Mary Ann or any Choctaw ancestor of yours lived on land in that old Choctaw Nation five years and then got a patent from the Government to it? A No sir, I don't know.

Q Did either of them or any Choctaw ancestor of yours claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A Not that I know of.

Q Did any of them go at any time between 1833 1838 or 1840? A I don't know.

Q Did any of your Choctaw ancestors own any improvement on land in that old Choctaw Nation in 1830? A Not that I ever knew of or heard of.

D. Cheatham-----4

Q Did any of them go before a Commission in 1837 or in 1842 which Commissions were appointed by various acts of congress and claim any rights under article fourteen of the treaty of 1830? A Not that I know of; only that I have heard that John Harper went back to register about 1830.

Q Well that was an attempt to register under article fourteen of the treaty of 1830 at the office of Col. Ward the agent, wasn't it? A I don't know who it was under.

Q Well, now, I am talking about a Commission that was appointed in 1837 and another one appointed in 1842; these Commissions were appointed by various acts of Congress upon the complaints of Choctaw Indians who asserted that they had gone to Col. Ward sometime in 1831 after the treaty was ratified and had attempted to register under article fourteen but that Col. Ward had refused to allow them to register and as a result as his refusal they had lost their land in the old Choctaw Nation; then their complaints became so numerous and so insistent that the Commissions of 1837 and 1842 were appointed.

Q Do you know whether any of your ancestors went before either of these Commissions? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? And to take the place of the land that the Government had taken from them and sold?

A No sir, I never heard anything about that.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do you speak the Choctaw language? A No sir.

Q Do you remember your father personally? A Yes sir.

Q How old were you when he died? A Almost ten years old.

Q Was he light or dark? A He was rather dark complected.

Q Your eyes are blue? A Well, his hair wasn't black but his face was.

Q His eyes were blue? A Kind-of-a blueish gray.

Q You say he was one half Choctaw Indian? A Yes, I suppose.

Q Is that right? A Yes he was half.

Q Did he speak the Choctaw language? A No sir.

Q Where did he live during his life time? A In Kentucky.

Q Was he born in Kentucky? A Yes sir.

Q Your father claimed through whom, his father or mother?

A Through his father, John Cheatham.

Q And he married whom? A Polly Harper a daughter of John Harper.

Q Now John Cheatham's wife was a daughter of John Harper and Mary Ann Harper? A Yes sir.

Q That's as far back as you can go, isn't it? A --

Q Can you go back any farther in your history than that? A No; John Harper and his wife were Choctaws; I don't remember much about my grandparents; I remember my grandfather John Cheatham.

Q How much Choctaw blood did John Cheatham have if any? A Well, I suppose he was a white man; he married Polly Harper a fullblood.

Q Then he got his blood from his mother; your father David got his Choctaw blood from his mother then did he? A Yes; it has never been my understanding that John Cheatham was a Choctaw.

Q Did you ever hear that John Cheatham the father of David Cheatham your grandfather was a Choctaw Indian? A No, I don't know that he was.

Q But you did hear that your father's mother was? A Yes sir.

Q And her name was what before she was married? A Polly Harper.

Q And her father's name was what? A John Harper.

D. Cheatham----5

Q Well, now your father is the parent through whom you claim, don't you? A Yes sir.

Q And you claim he was half Choctaw blood; is that right?

A Yes sir.

Q You swear to that, do you? A Yes; of course.

Q How much Choctaw blood did David Cheatham your father have?

A Well, I suppose he was half blood.

Q Now he claims Choctaw blood through which parent- his father or mother? A Well, I suppose they were Choctaws according to that.

Q Now then, your father David was a half Choctaw so you state; is that right? A I suppose he was; if I am a quarter he was a half wasn't he?

Q How do you know you are a quarter? A It is a matter of opinion

Q Whose opinion-- yours or your lawyers? A Well, it is a matter of opinion from our ancestors down.

Q How do you know you are a quarter unless you know your father was a half or not? A Well, I suppose these children of the Harpers; they was full bloods you know; they was married; and if my grandfather and them was full bloods my father was a half.

Q If a certain thing is true then a certain other thing is true; I admit. But do you know positively that you are a quarter Choctaw blood? A I don't know positively only what my ancestors say.

Q Do you know positively that your father, David Cheatham was half Choctaw blood? A No sir I don't know positively that he was as far as that is concerned, from the fact that I wasn't told nothing to know in regard to this blood; to know my grandparents.

Q Do you know which parent David Cheatham claimed his Choctaw blood from? A From his father and mother; fr

Q From both of them? A I suppose; yes.

Q What was his father's name? A John Cheatham.

Q What was his mother's name? A Polly.

Q What was her maiden name? A Harper I suppose.

Q And Polly Harper's father's name was what? A John Harper.

Q And Polly Harper's mother's name was what? A Mary Ann Harper; they called her Polly.

Q How much Choctaw blood did Polly Harper have? A Full blood they say.

Q How much Choctaw blood did John Cheatham her husband have? This is the first time I ever heard of this claim and I want to get it down.

(Attorney says: "I submit that this applicant----")

A I got confused; I now say that John Cheatham was a white man.

Q Now you think you have got that just as you want it?

A I suppose so; the best I know.

Thirty days time is allowed in which to introduce testimony in this case.

Examination by Mr. Harrison:

Q Did you ever hear that John Harper and his wife lived in Mississippi? A I heard that they did live in Mississippi.

Q Do you remember when it was that they are said to have lived there? A All I know is what I have heard said by my ancestors that they come from Mississippi in about 1828 to Kentucky.

Q Do you remember to have heard among them how long they had lived in Mississippi prior to the time they went to Kentucky?
 A No sir, never heard anything said about it.
 Q Remember how long they remained in Mississippi before they went back to Kentucky? A Never heard how long they remained there.
 Q Your information about John Harper and his wife being full bloods you derive from family history, do you? A Yes sir.
 Q And family tradition? A Yes sir.
 Q When you say that you suppose that John Cheatham was a white man, do you mean to say that that's to the best of your information? A Yes sir.
 Q Have you ever understood that John Cheatham was anything else but a white man? A No sir; not that I remember of.
 Q Where do you get your information that John Harper tried to register in Mississippi in about 1830 or 1831 for the purpose of getting land as a Choctaw Indian? A Well, I just heard the older people talking about it; that's all I knew.
 Q Can you name any particular one of these people? A No sir, I can't.
 Q Have you got any record evidence? A No sir, I haven't.
 Q Which you wish to submit in this case? A No sir.
 Q I believe that's all.

By the Commission:

Q Are you related to Christopher C. Hanks? A I suppose so.
 Q Do you want to have your case considered with his case? A Yes.

Reference is here made to his case-- M C R 6506.

Q Are you related to C.E. Duff? A I suppose; he was married into the Harper family.
 Q Are you related by blood to him? A Yes, the older ancestors told me we were related by blood.

This case--6563 is also referred to.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, ruddy complexion, light brown hair; he has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 25 day of February, 1903.

Henry G. Hains

Charles J. Hains
 Notary Public.

M.C.R. 6735.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified David Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

K.O.R. 6735.

Muskogee, Indian Territory, November 6, 1903.

David Cheatham,

Hookdale, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

David Cheatham,
Heekdale, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for the identification of yourself and three minor children, Fannie, Lewis and Lena Cheatham, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6735.

Muskogee, Indian Territory, June 26, 1905.

David Cheatham,

Hookdale, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6735

No.

6735

For Identification as a Mississippi Choctaw.

Date

FEB 19 1903

Name David Cheatham

Age 55.

Blood 1/4

Post Office, Hookdale, Ill.

Father: David Cheatham, d.

Mother: Polly " d.

Claims through father 1/2.

Wife.

Mary E. Cheatham, (d) w.

Children:

Fannie Cheatham, 18

Lewis " 16

Lena " 14

Claims for self &
3 minors

Stenographer

H. G. Harris.

David Chastan

DECISION REFERRED

MAR 1 1904

COPY OF DECISION FORWARDED
ATTORNEY GENERAL LAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION

MAR 14 1904

NOTICE OF DECISION

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

NOTICE OF DECISION

CHICKASAW

REFER TO M. O. R.

Choctaw MCR 6736

Augustus F. Cheatham

MCR 6736

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 19, 1903.

6736

In the matter of the application of Augustus F. Cheatham for the identification of himself and his five minor children, Gale L., Guy H., George P., Willard A. and Mary Cheatham, as Mississippi Choctaws.

Thomas & Harrison for applicants:

Augustus F. Cheatham being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Augustus F. Cheatham.
Q What is your age? A Thirty five.
Q What is your post office address? A Pocahontas, Illinois.
Q How long have you lived there? A About nine years I guess.
Q Where were you born? A In Missouri.
Q Where in Missouri? A Near Harrison.
Q Did you go from Missouri to Illinois? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A David Cheatham.
Q What was your mother's name? A Mary E. Cheatham.
Q Through which parent do you claim Choctaw blood? A My father's side.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim your father has one quarter Choctaw blood?
A That's what we are claiming.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q He has made application here to be identified? A Yes sir.
Q His application was made just previous to yours? A Yes sir.
Q Do you want to refer to his application, do you, and have it considered with yours? A Yes sir.

M C R. the application of David Cheatham, father of this applicant is referred to.

- Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q What is her name? A Edith.
Q Do you make any claim for your wife? A No sir.
Q How many children have you you want to make application for?
A Five.
Q What is the name of the eldest? A Gale L.
Q How old? A Nine.

- Q Next? A Guy H.
Q How old? A Seven.
Q The next? A George F.
Q How old is George? A Four.
Q Next? A Willard A. (a boy).
Q How old is Willard? A Two years old.
Q The next? A Infant named Mary.
Q How old is Mary? A Two weeks old.
Q Do you claim for yourself and these five children? A Yes sir.
Q Is Edith Cheatham the mother of these children? A Yes sir.
Q When and where were you married to your wife? A Jackson County Illinois.
Q Have you proof of the marriage with you? A Yes sir.
Q

original marriage certificate of the marriage between Augustus F. Cheatham and Edith A. Cornelious offered in evidence, received filed, marked Exhibit "A" and made a part of the record in this case

- Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
Q Do you want to identify yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I understand it I think sufficient.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

A.F.Cheatham----3

Q Do you know if any of your Choctaw ancestors complied with article fourteen of that treaty or not? A Not personally; no sir I don't know.

Q What was the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw?

A John Harper and his wife.

Q What was her name? A Mary Ann or Polly Ann I think was her nick name.

Q How much Choctaw blood did John have? A Supposed to be a full-blood.

Q And his wife had how much? A Same.

Q Do you know whether they lived in Mississippi or Alabama in 1830 in the old Choctaw Nation and were heads of family there at that time? A No sir, I don't know.

Q Did either of them go to Col. Ward within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?

Q I don't personally know; its come to me orally through the family lately that they did.

Q Well, you think you know it through family history and tradition? A That's all.

Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation after the treaty of 1830 was ratified for the period of five years and then get a deed from the Government or patent under article fourteen of the treaty of 1830? A No sir I have never heard it.

Q Do you know whether any of them claimed any land in that old Choctaw Nation under article fourteen of the treaty of 1830?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory, with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not to my knowledge.

Q Did any of them go from 1833 to 1838 or 1840 with the other Indians at the expense of the Government? A Not to my knowledge.

Q Did any of your Choctaw ancestors own or claim any land in 1830?

A Not that I know.

In 1837 and also in 1842 Commissions were appointed by various acts of Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; these Commissions were appointed because of the complaints made by Choctaw Indians that they went to Col. Ward's office and attempted to register under article fourteen of the treaty of 1830; that he refused to allow them to register and as a result of his refusal the Government had taken their land from them in the old Choctaw Nation together with the improvements thereon; complaints were made by these Indians and these Commissions were appointed.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830 or not? A I can't say.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not to my knowledge.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken

A.P.Cheatham-----4844

from them by the Government and sold. Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant to introduce further proof if he desires in this case.

Q Are you related by blood to Christopher C. Hanks? A All I know is through family tradition; I have always heard that I was. I have always heard him spoken of as a relative of mine.

Q He claims through John Harper; the same John Harper you are claiming through? A Yes sir.

Q Do you want to have your case consolidated with his? A Yes sir.

His case--6508--is referred to for the purpose of consolidation.

Q Are you also related to C.R.Duff? A Through family tradition I have heard that I was; that's all I know.

Q You have always considered yourself to be related to him by blood? A Yes, but in what way I don't know.

Q He has made application to be identified as a Mississippi; do you want to have that case referred to in this connection? A Yes sir.

That case--M.C.R.6563-- is here referred to.

Q What relation was John Harper to you? A My great great grandfather.

Q David Cheatham who has just made application before you is your father, isn't he? A Yes sir.

Q Now he claims through his father? A Yes sir.

Q And his father's name was David Cheatham? A Also; yessir.

Q And his father, your grandfather, claimed through whom? A Through John Cheatham's wife-Polly.

Q And her Christian name was what? A Polly Harper.

Q Didn't John Harper and Mary Ann Harper have a daughter named Polly? A Its my understanding they did.

Q Now, can you give the descent from Mary Ann Harper and John Harper down to you? A Well, John Harper and his wife--was Polly Ann Harper--both supposed to be fullbloods had two children-- one of them married this John Cheatham; her name was Polly Harper; John Cheatham was a white man as I understand it; and they raised their children which was David-- my father's father was a son of his-- which would bring it down to the quarter and I claim for the eighth. That's the best I can do.

Examination by Mr. Harrison:

Q Tell us what you have heard by way of family history or tradition about John Harper making an effort to register in Mississippi in 1830 or 1831 for the purpose of getting land as a Choctaw Indian? A Well, all I have heard is this; my father got a letter some 2 or 3 weeks ago from Yirman Cheatham's daughter in Kentucky

A.F.Cheatham----5

and he said that they had found Harper's name on the rolls in Washington where did register; that he came to Kentucky in 1830 or 1831 and had to go back to Mississippi to register as a Choctaw Indian and that they aint found out whether he did succeed or not; that's all I have heard.

Q Up to that time you had heard nothing about it? A No sir.

Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being a white man; blue eyes, brown hair, light brown mustache; he does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 19, 1903, and that this is a full true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 28 day of February, 1903.

Charles H. Jacobson

Notary Public.

M.C.R. 6736.

Muskogee, Indian Territory, November 6, 1903.

Augustus F. Cheatham,

Pocahontas, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6736.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Augustus F. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Augustus F. Cheatham,
Pocahontas, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and five minor children, Gale L., Guy H., George F., Willard A. and Mary Cheatham, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6736.

Muskogee, Indian Territory, June 26, 1905.

Augustus F. Cheatham

Pocahontas, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6736

No.

6736

For Identification as a Mississippi Choctaw.

FEB 19 1903

Date

Augustus F. Cheatham,

Name ~~Augustus~~

Age 35

Blood

1/8

Post Office, Pocahontas, Ill—

Father: David Cheatham, l.

Mother: Mary E. " d

Claims through father, 1/4.

Wife,

Edith Cheatham, l. w

No claim for wife -

Children:

Gale L. Cheatham, 9

Guy H. " 7

George F. " 4

Willard A. " 2

Mary " 2 weeks.

Claims for self
and 5 minors

Stenographer

N. G. Davis.

Augustus F. Cheatham

DECISION RECORDED

MAY 11 1904

C. F. Cheatham
A. F. Cheatham
C. F. Cheatham

MAY 14 1904

RECORDED
MAY 11 1904

ALL
MAY 11 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

SECTION 11

SECTION 11

RECORDED MAY 11 1904

Choctaw MCR 6737

Andrew C. Cheatham

MCR 6737

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 20, 1903.

6737

In the matter of the application of Andrew C. Cheatham for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicants.

Andrew C. Cheatham being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew C. Cheatham.
Q What is your age? A Twenty four.
Q What is your post office address? A Hookdale, Illinois.
Q How long have you lived there? A Seven years.
Q Where were you born? A Bates County, Missouri.
Q How long did you live in Missouri? A Till I was seventeen.
Then I went to Illinois and have lived there since.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A David Cheatham.
Q What is your mother's name? A Mary E. Cheatham.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q You claim your father is a quarter Choctaw Indian? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir not to my knowledge.
Q Did he make application to be identified as a Mississippi Choctaw yesterday? A Yes sir.
Q The proof of his marriage to your mother is filed in which case? A In 6735.
Q Do you want to refer to that case and have it made a part of the record in this case? A Yes sir.
Q Are you married? A No sir.
Q You claim for yourself, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Daves Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you come before the Commission at this time to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A I think well enough.

Q The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A No sir.

Q What is the name of your ancestor that you are claiming through now? A John Harper and his wife.

Q What is his wife's name? A Mary Ann.

Q How much Choctaw blood did each of them have? A Both full-bloods.

Q What relation was John Harper to you? A Great great grandfather.

Q And his wife was your great great grandmother? A Yes sir.

Q Did they live in Mississippi in 1830 and have a family there then? Or Alabama? A I can't tell that.

Q Do you know where and when they were born and died? A I don't know.

Q Where did they live at any time? A I have heard from family history that they lived in Kentucky.

Q Do you know what years they lived in Kentucky? A No sir, I don't.

Q Did either of them go to the United States Indian agent within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen? A I have heard from family history that they did try to register but didn't succeed.

Q Was that within six months after the treaty of 1830 was ratified? A I can't say.

Q After that what became of them, do you know? A No sir.

Q Did any of your Choctaw ancestors John Harper or his wife or any other live on land in the old Choctaw Nation five years after the treaty of 1830 was ratified and then get a patent from the Government? A I don't know.

Q Did any of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 to 1838 or 1840? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 which Commission were appointed under various acts of Congress and claim any benefits under article fourteen of the treaty of 1830? A I never heard.

A.C.Cheatham----3

These Commissions were appointed to hear the complaints of Indians who claimed they were Choctaws and that they had tried to register under article fourteen of the treaty of 1830 but because Col. Ward had refused to allow them to register their lands had been taken from them by the Government and sold.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip or certificates as we would call them were issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that they had land in the old Choctaw Nation taken from them by the Government and sold.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to file further proof if he desires.

Q Is Christopher C. Hanks a relative of yours? A Yes, I have heard so.

Q He claims through John Harper doesn't he? A Yes sir.

Q Would you like to have your case considered with his? A Yes sir.

His case-M C R 6508- also the case of C.E.Duff, a relative, -6563-- referred to for the purpose of consolidation.

Examination by Mr. Harrison:

Q Have you heard anything other than what you have stated with reference to the efforts made by your ancestor, John Harper, to register in Mississippi for the purpose of securing land in Mississippi as a Choctaw Indian? A No sir.

Q What you have heard you get through family history and tradition A Yes sir.

Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair medium dark complexion; blue eyes; doesn't understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 20, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28 day of February, 1903.

Charles W. Sawyer
Notary Public.

M.C.R.6737.

Muskogee, Indian Territory, November 6, 1903.

Andrew C. Cheatham,

Hookdale, Illinois,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6737.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Andrew C. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6737

Muskogee, Indian Territory, March 14, 1904.

Andrew C. Cheatham,
Hookdale, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission to the Five Civilized Tribes rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be held by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6737.

Muskogee, Indian Territory, June 26, 1905.

Andrew C. Cheatham,
Hookdale, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6737

No.

6737

For Identification as a Mississippi Choctaw.

Date

FEB. 1 1903

Name Andrew C. Cheatham

Age 24.

Blood

$\frac{1}{8}$

Post Office, Hookdale, Ill.

Father: David Cheatham, l.

Mother: Mary E. " d

Claims through father $\frac{1}{4}$.

~~Children:~~

Claims for self
alone

Stenographer W. G. Harris

RECEIVED
FOR IDENTIFICATION AS
AMERICAN INDIAN

R. 6737

Andrew C. Cheatham

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS

MAR 5 1904

NOTICE OF DECISION MADE BY COURT. MAR 11 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

AC...
SECRETARY OF...
MAR 14 1904

NOT...
FORWARDED...

REFER TO M. C. R.

1000

Choctaw MCR 6738

Elbert Cheatham

MCR 6738

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 20, 1903.

6738

In the matter of the application of Elbert Cheatham for the identification of himself and his minor child, Bertha Cheatham, as Mississippian Choctaws.

Thomas & Harrison for applicants.

Elbert Cheatham being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Elbert Cheatham.
Q What is your age? A Twenty six.
Q What is your post office address? A Hookdale, Illinois.
Q How long have you lived there? A Nine years.
Q Where were you born? A Bates County, Mo.
Q Did you live there until you went to Illinois? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A David Cheatham.
Q What was your mother's name? A Mary E. Cheatham.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q You claim your father is a quarter Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not to my knowledge.
Q Are you married? A I was; I claim for myself and one child.
Q What's your wife's name? A Mary E. Cheatham.
Q How long has she been dead? A A little over two years.
Q She was a white woman was she? A Yes sir.
Q No Choctaw? A No sir.
Q Have you a child that you want to make application for? A Yes; Bertha.
Q How old is Bertha? A Two years old.
Q When were you married to your wife, Mary E.? A October 19, 1899
Q By a minister under a license? A Yes sir.
Q At what place? A St. Louis, Mo.
Q Have you your proof here? A Yes sir; on this proof they have got my name Albert instead of Elbert.

Original marriage certificate of Albert Cheatham and Anna Pickering is presented by this applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

E. Cheatham---2

- Q Is this Albert intended for your name? A Yes sir.
- Q A mistake was made in that name? A Yes sir.
- Q Your name is really Elbert? A Yes sir.
- Q Is Emma Pickering intended for the name of your wife, Mary E. A Yes sir; her real name is Mary Emma.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time? A No sir.
- Q Do you want to be identified as a Mississippi Choctaw with your child? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article, do you? A Yes sir; I think well enough.
- Q Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q What is the name of your ancestor that you claim through now? A John Harper.
- Q Your --- A My great great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Do you claim through John Harper's wife? A Yes; Mary Ann.
- Q How much Choctaw blood did she have? A Full blood.
- Q Do you know anything about John Harper's father and mother? Or Mary Ann's? A No sir.
- Q What was her maiden name, do you know? A No sir.
- Q Did they ever live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Did they go to Col. Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q You don't know whether they attempted to register under article fourteen or not? A No sir.
- Q Did they live on land in Mississippi or Alabama for five years in the old Choctaw Nation and then get a deed or patent from the Government? A I don't know.
- Q Did they or any Choctaw ancestors of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation

N. Cheatham---3

Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Territory? A Not to my knowledge.

Q Did they go with the other Indians between 1833 to 1838 at the expense of the Government? A Not that I know.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know.

Q Did any of them go before a Commission appointed in 1837 or another Commission appointed in 1842 by various acts of Congress and claim rights under article 14 of the treaty of 1830? A I don't know.

The complaints made by a great many Choctaw Indians who stated that they had gone to Col. Ward and attempted to register under article fourteen but had been refused by Col. Ward registration, and because of his refusal their lands had been taken from them and sold caused Congress to appoint these two Commissions to hear these Indians and their claims.

Q You don't know whether any of your ancestors went before either of them? A No sir.

Q Did any of your ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken by the Government and sold. Do you speak or understand the Choctaw language? A No sir.

(Thirty days time is allowed this applicant in which to submit further proof if he desires.)

Q Are you related to Christopher C. Hanks? A It is on record we are.

Q He claims through a John Harper; do you know whether this is the same ancestor you claim through? A So I have been told.

Q Want to have his case considered under his case? A Yes sir.

(The case of Christopher C. Hanks--6508-- is referred to for the purpose of consolidation.)

Q Did you ever hear that you were related to a man named C.E. Duff? A Through the family record I have.

Q Know what relation you are to him? A No sir.

His case-6563-- as a relative is referred to.

Examination by Mr. Harrison:

Q What information have you, if any, that John Harper and his wife or either of them attempted to register in Mississippi before the United States Indian agent in 1830 or 1831 for the purpose of securing land in Mississippi as Choctaw Indians or as a Choctaw Indian under the provisions of article fourteen of the treaty of 1830? A I have none.

E. Cheatham----4

Q Have you never heard it discussed or talked about by members of your family? A Only through them.

Q What have you heard through them? A It has slipped my mind now. I can't think.

Q Then you heard the matter discussed but you don't now remember what it was? A I don't remember.

Q That's all.

By the Commission:

Q Your father has made application, has he? DAVID Cheatham?

A Yes sir.

Q Do you want to refer to the evidence given by him in his application? A Yes sir.

Reference is made to his case, M.C.R. 6735.

This applicant has the appearance of being descended from white parentage; ruddy complexion, brown hair, blue eyes; he does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 20, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28 day of February, 1903.

Charles W. Sawyer

Notary Public.

M.O.R.6738.

Muskogee, Indian Territory, November 6, 1903.

Elbert Cheatham,

Hookdale, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.O.R.6738.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Elbert Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6738

Muskogee, Indian Territory, March 14, 1904.

Elbert Cheatham,
Hookdale, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Bertha Cheatham was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6738.

Muskogee, Indian Territory, June 26, 1905.

Elbert Cheatham,

Hookdale, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6738

No.

6738

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 9 1903

Date

Name Elbert Cheatham,Age 26Blood 1/8Post Office, Heoskdale, Ill.,Father: David Cheatham, lMother: Mary E., " d

Claims through

father, 1/4

Wife,

Mary E. Cheatham, d.w.~~Children.~~ ChildBertha Cheatham, 2.Claims for self and
child -

Stenographer

H. G. Xani,

REFUSED
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 67

Elbert Cheatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL ACTION
ACTION MAILED AT TULSA

JUN 2 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M C R.

5670

Choctaw MCR 6739

Squire D. Cheatham

MCR 6739

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 20, 1903.

6739

In the matter of the application of Squire D. Cheatham for identification as a Mississippi Choctaw.

Thomas 'A Harrison, for applicants.

Squire D. Cheatham being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Squire D. Cheatham.
- Q Have you any minor children? A No sir; none that's under my control.
- Q You make application for yourself alone then? A Yes sir.
- Q What is your age? A Forty two.
- Q What is your post office address? A I have just sold out; my post office will be Shawnee, Oklahoma for the present; there's where I am going to.
- Q Where were you born? A Mt. Sterling, Montgomery County, Kentucky. I lived there till I was four years old and then went to Illinois in Montgomery County and lived 18 months and then went to Cass County, Missouri; and I have lived about 35 or 36 years in Missouri; three years in Cass County and the balance of the time in Bates County.
- Q Shawnee is to be your address? A Yes sir.
- Q If you change that address let the Commission know. A Yes sir.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir.
- Q What was your father's name? A Firman Cheatham.
- Q What was your mother's name? A Mary M. Cheatham.
- Q Do you claim your Choctaw blood through your father or mother through my father.
- Q How much do you claim? A One eighth.
- Q Was your father one quarter Choctaw? A Yes sir.
- Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A O.D. Cheatham. I was married three times; this is my present wife.
- Q Have you any children by this wife? A No sir.
- Q She is living now, is she and she is a white woman? A Yes sir.
- Q You don't make any claim for her then? A No sir.
- Q What is your first wife's name? A Janie Chapman was her maiden name.
- Q Is she living? A No sir; dead.
- Q She was a white woman? A Yes sir.
- Q Did you have any children by Janie Chapman your first wife?
- A Yes, I had one boy but I don't know where he is; we have lost track of him; don't know where he is.
- Q You don't make application for him? A No sir.
- Q Did you have another wife? A Yes sir; Laura Shepherd; she was

a widow when I married her; her maiden name was Gibson.

Q Is she living? A Yes sir.

Q Were you divorced from her? A Yes sir.

Q She was a white woman? A Yes sir.

Q Did you have children by this wife? A Yes; we have two.

Q Application has been made by William Jackson for them? A Yes sir.

Q That was made yesterday, wasn't it? A Yes sir.

Q He is their legal guardian? A Yes sir.

Q Will you explain how it is he made application instead of you their father? A Well, they chose him for their guardian; one of them is nineteen and the other seventeen.

Q Under the laws of their states they had a right to make this choice? A Yes sir.

Q And is their guardian taking care of these children? A One of them makes her home with me.

Q You haven't taken care of them? A One of them was born just after we separated and the other stayed with me till she was 14 years old.

Q So that you make application for yourself alone now? A Yes; application has been made for them.

Q Please state the names of these children for whom William Jackson made application? A Emma and Elva Cheatham.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you made any such application to the Daves Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Daves Commission or the United States Court in Indian Territory? A No sir, not to my knowledge.

Q You want to be identified now as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A I presume so.

Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No sir; not for certain.

Q Who do you claim through? A Nehm Harper and Mary Ann, his wife.

Q Both of them Choctaw Indians? A Yes sir; full bloods- its my understanding.

S.D.Cheatham---3

Q What relation was he? A Great great grandfather and great great grandmother.

Q Did they live in Mississippi in 1830 and have a family there then? A Not to my knowledge; I have heard that they did but don't know-- yes sir.

Q Do you get that through family history? A Yes sir.

Q You cannot give the names of anybody that told you? A No, I don't know that I can; I was very young when my father died and my mother didn't know much about his people; I can't say that I have any information that would be of any benefit.

Q Do you know whether any Choctaw ancestor of yours went to Col. Ward within six months after the ratification of the treaty of 1830 and tried to register under article fourteen? A Not that I know.

Q Did any of your Choctaw ancestors after living on land in the old Choctaw Nation in Alabama or Mississippi for five years get a patent from the Government for that land? A Not to my knowledge.

Q Did John or Mary Ann Harper or any Choctaw ancestor of yours claim or hold any land in the old Choctaw Nation under article fourteen? A Not that I know.

Q Did any Choctaw ancestors of yours go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 to 1838 or 1840? A Not that I know.

Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation? A No that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation? A Not that I know of.

Q Did they go before a Commission appointed in 1837 or one of 1842 and claim any rights under article fourteen of that treaty? A Not that I know of.

These Commissions were appointed by Congress under various acts to hear Choctaw Indian claimants who stated that they had tried to register under Col. Ward within six months after the ratification of the treaty of 1830 and under article fourteen but because Ward refused to allow them to register their land had been taken from them by the Government and sold..

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do you speak or understand the Choctaw language? A No sir

(Thirty days time is allowed this applicant in which to furnish other proof if he desires in this case.)

Q Have you understood that you are related to a man named Christopher C. Hanks? A Yes sir.

Q Do you want to have your case considered under his case? A Yes sir.

His case- M.C.R. 6508-- (also that of C.E.Duff-6563) is here referred to for the purpose of consolidation.

S.D.Cheatham----4

Examination by Mr. Harrison:

Q What information have you, if any, from conversations with members of your family or from family history or otherwise that John Harper and his wife or either of them in 1830 or 1831 applied to the Indian agent in Mississippi to register for the purpose of securing lands as Choctaw Indians or a Choctaw Indian under article fourteen of the treaty of 1830? A I have none.

Q Have you ever heard that discussed? A Not till lately; not enough to amount to anything because I have just got with my folks in the last day or two.

Q What you know is what you have heard in the last day or two? A Yes sir.

Q What have you heard? A I don't know that I could say that he did; I only heard that he went there to register; of course I don't know whether he did or not.

Q Is that all? A Yes sir.

Q That's all.

By the Commission:

Q You don't speak Choctaw? A No sir.

This applicant has the appearance of a white man; brown hair; brown eyes; ruddy complexion; he has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 20, 1903, and that this is a full, true and correct transcript of his stenographic notes in said case.

Henry G. Hains.

Subscribed and sworn to before me this 28 day of February, 1903.

Charles H. Sawyer

Notary Public.

M.O.R. 6739.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Squire D. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

H.C.R. 6739.

Muskogee, Indian Territory, November 6, 1903.

Squire D. Cheatham,
Shawnee, Oklahoma.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6739

Muskogee, Indian Territory, March 14, 1904.

Squire D. Cheatham,
Shawnee, Oklahoma.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6739.

Muskogee, Indian Territory, June 26, 1905.

Squire D. Cheatham,
Shawnee, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1905.

Respectfully,

Chairman.

6739

No.

6739

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name Squire W. Cheatham

Age, 42.

Blood

'18

Post Office,

Shawnee, Okla -

Father:

Firman Cheatham, d

Mother:

Mary M. " d.

Claims through

father '14 -

Wife, 3rdO W. Cheatham l. w.
no claim for wife no 3.

Wife (1) Janie Cheatham (d) w.

" (2) Laura " (d) w.

Children: ~~_____~~Claims for self
alone.

Stenographer

H. E. Harris -

REFUSED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 6

Squire D. Cheatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION BY APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 14 1904

NOTICE OF DECISION BY APPLICANT.

MAR 14 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT APPLICANTS

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT APPLICANTS
AND CHICKASAW NATIONS

REFER TO M. C. R.

5670

Choctaw MCR 6740

Perry Cheatham Jr.

MCR 6740

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 20, 1903.

6740

In the matter of the application of Perry Cheatham, Jr., for the identification of himself and his six minor children, Henry, Cora M., Rosie, Jesse A., Wallace P., and Charley Cheatham, as Mississippi Choctaws.

Thomas & Harrison for applicants.

Perry Cheatham, Jr. being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Perry Cheatham, Jr.
Q What is your age? A Forty six.
Q What is your post office address? A Stillwater, Oklahoma.
Q How long have you lived in Oklahoma? A About 13 years.
Q Where were you born? A Kentucky; Montgomery County close to Mt. Sterling.
Q How long did you live in Kentucky? A I would be one year old when I went to Northeast Missouri, Audrain County.
Q How long did you live in Missouri? A I left Audrain County in '68 and came to Bates County.
Q When did you leave Missouri? A I went to Kansas and lived about 8 years and then came to Oklahoma.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A Perry Cheatham, Sr.
Q What was your mother's name? A Lucy Cheatham.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q You claim your father has one quarter Choctaw? A Yes sir.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not to my knowledge.
Q When and where were your father and mother married? A In Montgomery County, Kentucky; all the records were burned during the war.
Q Have you any proof of their marriage? A Yes sir. But the date could not be found exactly; it was about the year 1855.

Joint affidavit of Melissa Garrett, Nancy Garrett and S.P. Redmon presented by the applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Are you married? A Yes; been married twice.
Q Have you been married both marriages? A Yes; one by the first wife under age and the balance are by my second wife.
Q What was your first wife's name? A Adeline Whiteman; that's her maiden name.
Q Is she living? A No sir.

P. Cheatham----2

Q What was her race? A White I suppose you would call it.
Q You say you have a child by this wife who is under age?
A Yes sir.
Q What is the name of your second wife? A B- Nina Taylor her maiden name.
Q Is she living? A Yes sir.
Q What is her race? A White.
Q Do you make any claim for her? A No sir.
Q You have children by this wife under age also? A Yes sir.
Q What is the name of your child by your first wife? A Henry.
Q How old is Henry? A Seventeen.
Q His mother was Adeline? A Yes sir.
Q Claims his Choctaw blood entirely through you then? A Yes sir.
Q How many under age have you by your second ~~husband~~ wife? A Five.
Q What is the name of the oldest? A Cora M.
Q How old is she? A Fourteen.
Q Next? A Rosie.
Q How old is she? A Twelve.
Q Next? A Jesse A. (boy).
Q How old is Jesse? A Ten years old.
Q Next? A Wallace P.
Q How old? A Six years old.
Q Next? A Charley.
Q How old? A Three years old.
Q Is that all? A Yes sir.
Q Now you make application for yourself and these minor children Harry by your first wife, and the other five by your second wife?
A Yes sir.
Q Did you introduce proof of your marriage to Adeline? A No sir; my records are burnt up and we haven't got them yet; both marriage records were burned.
Q You are not able then to introduce evidence of the marriage with either of your wives? A Not today.
Q Can you tell about when you were married to your first wife?
A 11th April 1880.
Q Where were you married? A Bates County, Missouri.
Q By a minister and under a license? A Yes sir.
Q When were you married to your second wife? A 16th October 1888.
Q Where? A Greenwood County, Kansas.
Q By a minister and under a license? A Yes sir.
Q Is your name or are the names of your children or any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or the children to the tribal authorities of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and them to the Dawes Commission under the act of Congress of June 10, 1896?
A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and your children as Mississippi Choctaws? A I do.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I can't say; I have heard it read frequently.

In 1830 on the 27th day of September a treaty was made called Dancing Rabbit Creek in the State of Mississippi at a place by the name of Dancing Rabbit Creek; this treaty was made between

P. Cheatham---3

the United States Government and the Choctaw tribe of Indians who at that time lived in Mississippi and Alabama in the old Choctaw nation partly in both States for the purpose of removing the Choctaw Indians from that old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory; before the treaty was signed it became known that a good many Indians wouldn't go to the Choctaw nation Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; then the treaty was signed and afterwards was ratified; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article?

A Not to my knowledge.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.

Q What relation is he to you? A Great great grandfather I believe

Q How much Choctaw blood did he have? A Full blood.

Q You don't claim through his wife, do you? A Well, yes; his wife was a full blood; I don't know her name.

Q Do you know that you claim through her? A I am a little in doubt.

Q Are you in doubt whether she had Choctaw blood? A I don't know anything about her.

Q Have you heard as a matter of family history and tradition that your claim should be through John Harper and his wife, both?

A Yes sir.

Q Why are you not in doubt about John Harper just the same as about his wife; your information about both of them is based upon family history and tradition, isn't it? Is it any more misty in one case than another? A John Harper is better for the fact that my father remembers him that's all.

Q Do you know whether they lived in the old Choctaw nation in 1830 and had families there then? A I don't know.

Q Did you ever hear that they went to Col. Ward the United States Indian agent there within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of the treaty of 1830? A I don't know.

Q Did any Choctaw ancestors of yours own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830 and after living on it for five years get a patent to it from the Government? A Not to my knowledge.

P. Cheatham----4

Q Did you ever hear that John Harper or any other Choctaw ancestor of yours went from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory for the purpose of making a permanent home or residence in the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir; I have heard that they went to Mississippi and tried to register there.

Q Did they ever live in Mississippi? A I don't know.

Q Did they register under article fourteen or not? A Not to my knowledge.

Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830--? A Not to my knowledge.

Q Did any of them go before a Commission appointed in 1837 or a Commission appointed in 1842 which Commissions were appointed to hear claimants under article fourteen of the treaty of 1830 and claim any rights under that article as Choctaw Indians? A Not to my knowledge.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of land which had been taken from them? A I don't know; not to my knowledge.

Q This scrip was issued under the act of Congress approved August 23, 1842. Do you speak or understand the Choctaw language?

A No sir.

Q Do you know whether you are related to a man named Christopher C. Hanks who claims through John Harper? A I have heard it among the family; its always been my understanding.

Q Do you want to have his case referred to in this connection?

A Yes sir.

M.C.R. 6508 is here referred to.

Thirty days time is allowed this applicant in which to file further proof if desired.

Examination by Mr. Harrison:

Q It has always been your understanding from family history and tradition that Mary Ann Harper the wife of John Harper was a full-blood Choctaw, hasn't it? A Yes sir.

Q Well, it is reasonable to presume that you know nothing of your own personal knowledge about John Harper and his wife; what have you heard in your family in conversation with various members thereof or from family history and tradition with reference to any effort John Harper or his wife or either of them may have made to register in Mississippi in 1830 or 1831 before the United States Indian agent for the purpose of securing lands as Choctaw Indians or as a Choctaw Indian--what have you heard about it? A I haven't heard nothing till lately.

Q Tell what you heard.

A Well I have heard that John Harper and Mary Ann Harper (I don't know whether that's her name) but that John Harper and his wife were full blood Choctaw Indians and that this man John Harper went to Mississippi to register as a Choctaw Indian but he didn't get to register from the fact that the agent--I don't know the agent's name at present-- was a drunkard and refused him registration; That's all I know.

Q When was it said that that effort was made by John Harper?
A About 1830.
Q Where was it said that John Harper went from to Mississippi at that time? A From Kentucky.
Q How long, if you remember, had John Harper been living in Kentucky when he went on that trip to Mississippi? A I can't state exactly.
Q How long, if you remember, did John Harper and his wife remain in Mississippi after that trip? A I don't remember.
Q Where, if you remember, did John Harper and his wife or John Harper go after that trip from Mississippi? A I don't remember that.
Q That's all.---When you say you suppose to to these answers, do you intend that as a n affirmative answer? A That's the way I answer.
Q You don't mean any dis-respect to the Commission by answering "I suppose, I guess", etc.,? A No sir.

By the Commission.

This man has the appearance of being a whiteman; light brown hair sandy mustache, blue eyes; he does not understand the Chectaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 20, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28 day of February, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, February 27, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certified copy of marriage license and certificate between Perry Cheatham, Jr. and Nannie Taylor; the affidavit of Perry Cheatham certifying that the name of Annie Taylor, as given by the minister who performed the marriage ceremony, is an error and should have been Nannie; that Annie and Nannie are one and the same person; also letter from the Honorable Probate Judge of Greenwood county, Kansas, explaining said error. All of the above mentioned papers being offered for filing in support of the application made by Perry Cheatham, Jr. for the identification of himself and minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Chairman.

M C R
6740 - 7277
6255 - 7024

Muskogee, Indian Territory, April 16, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing certified copy of marriage certificate between Perry Cheatham, Jr. and Adaline Whitman, offered in support of the application made by Perry Cheatham, Jr. for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of application for marriage license and marriage license and certificate between Fred Waidey, Jr. and Louise Barter, offered in support of the application made by Louise Waidey for the identification of herself and minor child as Mississippi Choctaws.

Also the affidavits of Dolly Chance and Isham W. Deolen, relative to the marriage of John H. Bennight and Susan I. Deolen, offered in support of the application made by John H. Bennight for the identification of himself and minor children as Mississippi Choctaws.

Also marriage license and certificate between Arthur C. Harper and Addie Lee Brown, offered in support of the application

T & H 2

made by Arthur C. Harper for identification as a Mississippi Choctaw.

Said documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

M C R 6740

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Perry Cheatham, Jr. that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6740

Muskogee, Indian Territory, November 6, 1903.

Perry Cheatham, Jr.,

Stillwater, Oklahoma.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6740

Muskogee, Indian Territory, March 14, 1904.

Perry Cheatham, Jr.,
Stillwater, Oklahoma.

Dear Sir:

You are hereby advised that on March 4, 1904; the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your six minor children, Henry, Cora M., Rosie, Jesse A., Wallace P. and Charley Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6740.

Muskogee, Indian Territory, June 26, 1905.

Perry Cheatham, Jr.,

Stillwater, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6740

No.

6740

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name *Perry Cheatham Jr*

Age 46,

Blood

1/8

Post Office, *Stillwater, Okla.*Father: *Perry Cheatham, Sr.*Mother: *Lucy* ~~*J*~~ *d*Claims through *father, 1/4*

wife, 1. —

*Adeline Cheatham, (d) w.*wife 2. *Nina* ~~*Nannie*~~ *" (d.) w*

No claim for wife —

Children:

*Henry Cheatham, 17**Adeline C. " (1st wife) was*
*his mother —**Gora M. Cheatham, 14**Rosie " 12**Jesse a. " 10**Wallace P. " 6**Charley " 3**Last 5 by 2nd wife,**Nina*
*Nannie —*Stenographer *N. G. Hains —*

FOR IDENTIFICATION
AND INDEXING

Perry C. Heatham, Jr. et al.

DECISION 4 1904 MAR 4 1904

COPIES OF DECISION FORWARDED TO ATTORNEYS GENERAL AND CHICKASAW NATIONS MAR 1 1904

NOTICE OF DECISION FORWARDED TO CHICKASAW NATIONS MAR 14 1904

COPIES OF DECISION FORWARDED TO ATTORNEYS GENERAL AND CHICKASAW NATIONS MAR 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTION AT
SECRETARY

REFER TO M. C. R.

Choctaw MCR 6741

John R. Cheatham

MCR 6741

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 20, 1903.

6741

In the matter of the application of John R. Cheatham for the identification of himself and his two minor children, David F. and Bird C. Cheatham, as Mississippi Choctaws.

Thomas & Harrison for applicants.

John R. Cheatham being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A John R. Cheatham.
Q What is your age? A Sixty four.
Q What is your post office address? A Leckhart, Texas.
Q How long have you lived there? A Thirty three years.
Q Where were you born? A In Montgomery County, Kentucky.
Q And you went from Kentucky where? A Illinois.
Q How long did you stay in that State? A Thirteen years. In Logan County.
Q Then you went where? A To Texas.
Q And have you lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A James Cheatham.
Q What was your mother's name? A Kittie
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One fourth I reckon.
Q Do you claim your father was a half Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother with you now? A I have a certificate here; the records were burnt and they failed to get the year in.

Joint affidavit of Belle Hoffman, John T. Hoffman and Melissa Garrett the same being a general affidavit is presented, received, filed, marked Exhibit "A" and made a part of the record in this case.

Q Is your wife living? A Yes sir.
Q What is her name? A Martha J.
Q What is her race; is she Indian or white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Give me the names of your children under age and unmarried—
A David F.
Q How old is he? A Eighteen.

- Q The next? A Bird C. (a boy).
Q How old is he? A Fourteen.
Q You claim for yourself and these two children? A Yes sir; then I have married children.
Q They will have to come themselves. A Yessir.
Q How many children have you ever age and married? A Six.
Q Where are they? A In Texas.
Q Have they been before the Commission? A No sir.
Q Are they coming? A I don't know; they live near me; I expect they will come and put in application.
Q When were you married to your wife? A 1860 the 12th day of December.
Q Where? A In Logan County, Illinois.
Q By a minister under a license? A Yes sir.
Q Have you proof of that marriage here? A No sir.
Q She- Martha J.-- was the mother of these two children, wasn't she? A Yes, she is.
Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes sir.
Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority whatever? A No sir.
Q Is this your first application for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
Q Do you come before the Commission now to identify yourself and them as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I think I do; I have read it.
Q You think you understand it well enough to claim under it?
A Yes sir.
Q The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.

J. R. Cheatham---3

Q What was the name of your ancestor or ancestors through whom you claim your right to be identified now as a Mississippi Choctaw?
A John Harper and his wife.
Q Do you know whether they were full bloods? A I have heard so; I have seen them but I was young then and I didn't know a Choctaw from anybody else.
Q You understand they were both full blood Choctaw Indians?
A Yes sir.
Q What relation was John Harper to you? A Great grandfather.
Q Was Mary Ann your great grandmother? A Yes sir.
Q Do you remember that to be her name? A Yes sir.
Q Did she have another name? A Not that I knew.
Q Do you know her maiden name? A No sir.
Q Where did you see them? A In Kentucky.
Q Do you know whether either of them lived in Mississippi or Alabama? A I heard from them that they did.
Q When did they live in Mississippi or Alabama? A I don't remember.
Q What kind of a looking man was John Harper? A Well, he was as well as I remember a dark skinned fellow.
Q What was the color of his eyes? A I can't tell you now.
Q What was the color of his hair? A I don't know.
Q How old were you when you last saw him? A About 4 years old.
Q You wouldn't remember much about him? A No sir.
Q Did you see his wife at that time? A Yes, I saw his wife.
Q Do you remember much about how she looked? A No sir.
Q Do you know whether either of them spoke Choctaw? A No sir.
Q Did you ever hear the question of their being Indians raised at that time? A I have heard through my parents-yes sir.
Q Did you hear it talked of at that early age? A It was later on; after my grandmother was born.
Q At what age were you when you first heard your relatives say that John Harper and his wife Mary Ann were full blood Choctaws?
A Well, from the time I was four years old as long as they lived. I have heard it spoken of.
Q How did they live back there at the time when you knew them?
A They lived in a house.
Q Constructed like the houses of today? A Something like; yes sir.
Q They didn't live in huts? or wigwams? A No sir.
Q What was the business of John Harper at that time? A I don't know; don't remember.
Q You know how Indians who are full bloods live as a rule? A Yes; I don't remember; they was living in a small house- common house the last I remember.
Q How many rooms, do you know? A Seems to be a three room house.
Q Was it clapboarded or a log house or was it plastered, or not?
A If I remember right it was out of log.
Q Did it have a floor or did they live on the ground inside? A I don't remember.
Q Choctaws Indians living in Mississippi today live in huts rudely constructed and live upon the ground in a good many cases; do you know whether they lived that way? A No sir.
Q Do you know whether they owned any land in Kentucky at that time?
A I don't know.
Q That would be sixty years ago? A Yes sir.
Q Did you ever hear that they lived in Mississippi or Alabama in 1830 and had a family there at that time? A Well, I remember hearing my parents speak something of it; that they did live in Mississippi.
Q In 1830? A I don't remember the date.
Q Did you ever hear anybody say that they had a family in 1830 in Mississippi? A No sir.

- Q Did they within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did you ever hear that either John Harper or his wife went to Col. Ward and tried to register? A No sir.
- Q Did John Harper or his wife live on land in that old Choctaw Nation there in Mississippi or Alabama for five years and at the end of that time get a patent from the Government for that land? A Not that I know.
- Q Did either John Harper or his wife claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did either of them or any Choctaw ancestors of yours subsequent to their time go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Or at any other time between 1833 to 1838 with the other Indians at the expense of the Government? A I don't know.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A Not that I know.
- Q Did any of your Choctaw ancestors go before a Commission appointed in 1837 or one of 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they had formerly occupied in the Choctaw Nation and which the Government had taken and sold? A I don't know.
- Q Do you speak or understand the Choctaw language? A No sir.

(Thirty days time is allowed in this case for the introduction of other proof.)

- Q Do you know whether you are related to a man named Christopher C. Hanks who claims through John Harper? A Yes, I am related to the Harpers; I don't know about this Christopher C. Hanks.
- Q You don't know whether this C.C. Hanks is related to you who has made application? A I was acquainted with Fielding Hanks who married a sister of my grandmother.
- Q Have you reason to believe that he was related to you and that he claims through the same John Harper through whom you claim? A Yessir.

M.C.R. 6506 is referred to for the purpose of consolidation.

- Q Did you ever hear of a man named C.E. Duff being a relative of yours? A No sir.

Examination by Mr. Harrison:

- Q What was the name of this sister whom you mentioned just now who married Fielding Hanks? A Lyddie.
- Q She was a sister of who? A My great grandmother.
- Q What was your great grandmother's name? A Harper; I don't remember her given name.
- Q Do you mean your great grandmother or grandmother? A I mean my

great grandmother.

Q John Harper's wife? A I don't remember. her name; I remember old Aunt Lyddie Hanks-

Q Did Lydia have a sister? A That's my great grandmother; yessdr.

Q What was her name? A I don't remember.

Q Do you know who Polly Harper was? A Yes, she was my grandmother

Q Who was her mother and father? A John Harper and his wife.

Q Was it John Harper's wife or was it Polly was a sister of

Lyddie? A It was John Harper's wife that was a sister of Lyddie.

Q How many children did John Harper and his wife have? A I can't tell you; I think just two from the information I have.

Q Were they girls? A Yes sir.

Q One of them was named Lydia? A Yes sir.

Q Was the other named Polly? A I think so.

Q Who did she marry? A Lydia Hanks and my great grandmother were sisters.

Q Who did Polly Harper marry, if you know? A Well, my recollection is she married John Cheatham.

Q Well, then if she married John Cheatham she couldn't have married John Harper, could she? A Well, I don't know as I understand you. My first understanding was that you was asking me in regard to Lyddie Hanks and her sister.

Q I want to know who Lydia Hanks' sister was if you know? A She was John Harper's daughter.

Q You stated a while ago she was John Harper's wife; were you mistaken in that? A I think so.

Q From the best of your knowledge and information? A Yes; I was a little mixed up in my mind.

Q When Polly Harris married John Cheatham and he was your grandfather? A Yes sir.

Q Then if you stated that Polly Harper was the wife of John Harper you were mistaken? A Oh, yes, I was mistaken; I thought you were asking about my grandmother.

Q Do you remember how your grandmother, Polly Cheatham looked?

A Not much; I was four years old when she died.

Q That's all.

By the Commission:

This applicant has the appearance of being a white man; gray hair--once black--brown eyes, medium dark complexion; he does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 20, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28 day of February, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6741.

Muskogee, Indian Territory, November 6, 1903.

John R. Cheatham,

Lockhart, Texas,

Dear sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.P. 6741.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified John R. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6741

Muskogee, Indian Territory, March 14, 1904.

John R. Cheatham,
Lockhart, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, David F. and Bird C. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6741.

Muskogee, Indian Territory, June 26, 1906.

John R. Cheatham,
Lockhart, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6741

No. 6741

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 20 1903

Date
Name John R. Cheatham

Age 64 - Blood 1/4

Post Office, Lockhart, Tex.

Father: James Cheatham, d

Mother: Kittie " d

Claims through father - 1/2 -
wife.Martha J. Cheatham, l. w.
No claim for wife.

Children:

David F. Cheatham, 18

Bird C. " 14

Claims for self
and 2 minors

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

John R. Cheatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1904

OFFICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1904

OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 30 1904

5670

Choctaw MCR 6742

Waldo P. Jett

MCR 6742

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 20, 1903.

6742

In the matter of the application of Waldo P. Jett for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Waldo P. Jett being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Waldo P. Jett.
Q What is your age? A Thirty four.
Q What is your post office address? A Paris, Kentucky-Rural Route No.4.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Porter Jett.
Q What was your mother's name? A Hattie Cheatham.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Was she one quarter Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you want to be identified now as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q You understand that article do you? A I have heard it read and understand it tolerably well.
Q The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a

quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article or attempt to? A No sir.
- Q Whom do you claim through? A John Harper and Mary Ann Harper.
- Q I don't think Mary Ann Harper has as much Choctaw blood as John Harper? A I don't know.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q You don't know about Mary Ann Harper being full blood? A Not for certain.
- Q Well that's all you know about John Harper isn't it? A Well,
- Q Then you know as much about one as the other? A Yes sir.
- Q What relation was John Harper to you? A Great great grandfather.
- Q What relation was Mary Ann Harper? A Great great grandmother.
- Q Now, you don't know anything about their relationship except what you get through family history and tradition? A That's all.
- Q Do you know whether they lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and were heads of families there then? A No sir.
- Q Do you know where they were born either of them? A No sir.
- Q Or where either of them died? A Only just what I heard; I heard John Harper died up here at Mt. Sterling in Kentucky and was buried there.
- Q How old would John Harper be if living now? I don't know.
- Q How old would Mary Ann his wife be if living now? A I don't know.
- Q Did she have any other name than Mary Ann Harper? A Not that I heard.
- Q Do you know what her maiden name was? A No sir.
- Q Can you give the ancestors of John Harper or his wife? A No sir.
- Q Did either of them live on land in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent to it from the Government under article fourteen of the treaty of 1830? A I don't know.
- Q Did either of them claim any land in the old Choctaw Nation under article fourteen? A Not that I know of.
- Q Did either of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Did you ever hear that either of them or anyone for them went to Col. Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of the treaty? A I heard John Harper did.
- Q Did his wife? A No sir.
- Q Did he go for himself and for her? A I don't know.
- Q What do you know about that; what did you hear? A I heard that he went down there and tried to register and that Col. Ward was drunk and he turned him down and wouldn't let him register.
- Q What proof have you of that fact? A Only the relatives.

Jett-----3

Q Who told you? A James E. Thompson.
Q Who is he? A He lives at Mt. Sterling.
Q Is he a relative of yours? A Yes sir.
Q Was he here yesterday? A Yes sir.
Q Was he made application? A No sir. His wife is related to me; he is a white man.
Q Is he the only one who ever told you of that fact? A Yes sir.
Q You say he is here today? A Yes sir.
Q You can introduce him as a witness can you? A Yes sir.
Q How old is he? A He is about forty eight I reckon.
Q He wasn't living when that treaty of 1830 was made, was he?
A No sir.
Q All he knows then is hear-say I presume? A Yes sir.
Q Did any of your Choctaw ancestors go from that old Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians at the expense of the Government between 1833 to 1838? A Not that I know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3, 1837, and also by an act approved August 23, 1842, Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; these Commissions were appointed because of the complaints made by Choctaw Indians that they had registered or attempted to register under article fourteen of the treaty of 1830 but that Col. Wm. Ward United States Indian agent had refused to allow them to register and as a result of his refusal the Government had taken their land from them and sold it together with the improvements upon it at its Public Land Sales.

Q Do you know whether any of your Choctaw ancestors, John Harper or his wife Mary Ann, or any other went before either of these two Commissions and claimed any rights under article fourteen of the treaty of 1830? A I don't.
Q Did either of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
Q This scrip was issued under any act approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen and also proved that they had their lands taken from them there in the old Choctaw Nation and sold by the Government at its Public Land sales. Do you understand or speak the Choctaw language? A No sir.
Q Are you related to Christopher C. Hanks who has been before this Commission as a Mississippi Choctaw claimant and who bases his claim upon his relation to John Harper? A Yes sir.
Q Do you want to refer to that case in this connection? A Yes sir.

His case--W.C.B. 6506-- is here referred to for the purpose of consolidation.

Examination by Mr. Garrison:

Q Is it not a fact that Mr. Thompson has also told you recently that he has been in consultation with persons over 65 to 85 years

Jett----4

from when he got his information and who will be witnesses in this case? A Yes sir.

Q You don't understand that what Mr. Thompson told you was his personal knowledge? A No sir.

Q What was your grandfather's name, please; on your mother's side? A John Cheatham. David Cheatham's father was John Cheatham

Q Who was the wife of David Cheatham? A Polly Garret.

Q And then your mother was a child of that union is that right?

A Yes sir.

Q That's all.

By the Commission:

This applicant has the appearance of being a white man; light brown hair; very light brown mustache, blue eyes and light complexion; he has no knowledge of the Choctaw language---

Q Have you any documents that you want to submit now or any other evidence? A I have my parents' marriage certificate.

Q You claim through your mother? A Yes sir.

Q I don't think you need file them.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 20, 1903, and that this is a full true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28th day of February, 1903

Charles H. Sawyer

Notary Public.

W O R 7135
7137-6737-6742
6563-6634-6601

Wahkago, Indian Territory, April 27, 1903.

Thomas & Harrison,

Attorneys at Law,

Wahkago, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certificate of marriage between John Watson and Josie Wood, offered in support of the Mississippi Choctaw case of Josie Watson, et al.

Also certified copy of marriage certificate between F. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles H. Duff, et al.

Also the affidavits of Robison Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William H. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trimble, Hallie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Waldo P. Jett.

Also certificate of marriage between John Van Amburgh and Emma Wood, offered in support of the Mississippi Choctaw case of Emma Van Amburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T A H 2

relative to the marriage of H. T. Harper and Clara B. Koontz, offered in support of the Mississippi Chastity case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred G. Mayer and Lora H. Aston, offered in support of the Mississippi Chastity case of Laura H. Mayer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M.C.R. 6742.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Waldo P. Jett that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6742.

Muskogee, Indian Territory, November 6, 1903.

Waldo P. Jett,

Rural Route No. 4,

Paris, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6742

Muskogee, Indian Territory, March 14, 1904.

Waldo P. Jett,
Rural Route #4,
Paris, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6742.

Muskogee, Indian Territory, June 26, 1905.

Waldo P. Jett,
Rural Route No. 4,
Paris, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

. 6742

No. 6742

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name *Waldo P. Jett.*

Age *34* Blood *1/8*

Post Office, *Paris* *184*
Rural Route, No 4.

Father: *Porter Jett.* *l.*

Mother: *Katie* *"* *d.*

Claims through *mother, 1/4 -*

Children:

*Claims for self
alone*

Photographer *H. L. Harris.*

Waldo P. Jett

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 30 1905

OF DEPARTMENTAL
ACTION MAILED APPLICANT:

JUN 9 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 9 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

15

REFER TO M. C. R.

5670

Choctaw MCR 6743

Henry S. Duff

MCR 6743

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 20, 1903.

In the matter of the application of Henry S. Duff for the identification of himself and his four minor children Thomas H., William G., Lulie and Boone Duff as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Henry S. Duff, being first duly sworn testified as follows.

Examination by the Commission:

- Q What is your name? A Henry S. Duff.
 Q What is your age? A Thirty four.
 Q What is your post office address? A Stepstone, Kentucky.
 Q How long have you lived there? A Well I've lived there about a year and a half.
 Q Where were you born? A Born in Wolf County Kentucky.
 Q Have you always lived in Kentucky. A Yes sir.
 Q And where, most of the time? A I lived in Wolf County Kentucky until I was twelve years old and then moved to Montgomery and lived there until a year and a half ago.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A Samuel Alexander Duff.
 Q What is your mother's name? A Sallie Ann.
 Q Do you claim through your father or your mother? A Mother.
 Q How much Choctaw blood do you claim? A One eighth.
 Q You claim your mother is one fourth Choctaw blood? A Yes sir.
 Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir I think not.
 Q Are you married? A Yes sir.
 Q Is your wife living? A Yes sir.
 Q Is she a Choctaw Indian or a white woman? A I've been married three times.
 Q Have you children by your first wife? A No there's neither one of their mother's living; three by the first wife.
 Q What was your first wife's name? A Lulie C. Barnes.
 Q That was her maiden name? A Yes, sir.
 Q Is she dead? A Yes sir.
 Q How long has she been dead? A She's been dead ten years.
 Q Was she a Choctaw Indian or a white woman? A She was a white woman.
 Q Have you children by her? A Yes sir.
 Q Under age and unmarried? A Well I have two that's under age and one that's of age but neither one of them married.
 Q Give me the names of your children by your first wife under age and unmarried? A Thomas H. Duff.
 Q How old is Thomas? A He's nineteen.
 Q The name of the next one? A William G.
 Q How old is William? A Seventeen.
 Q Is that all under age and unmarried by your first wife?
 A Yes sir.

- Q What is the name of your second wife? A Nannie Garrett.
Q That was her maiden name? A Yes sir.
Q Is she living? A No sir.
Q Was she a Choctaw Indian? A No sir she was a white woman.
Q How long has she been dead; about? A She's been dead about ten years I reckon.
Q Have you any children by that wife? A Yes sir.
Q Under age and unmarried? A Yes sir.
Q Give me the name of the oldest of these children.
A Lullie.
Q How old is Lullie? A She's nine.
Q The next one? A Boone.
Q Boy? A Yes sir.
Q How old is Boone? A Seven.
Q Is that all by your second wife? A Yes sir.
Q Have you any children by your third wife? A No sir.
Q What is your wife's name? A Lou Barnes.
Q That was her maiden name? A Yes sir.
Q Living? A Yes sir.
Q What is her race? A She's a white woman.
Q Do you make any claim for her? A No sir.
Q Have you the proof of your marriage with your first wife with you now? A Yes sir.

The joint affidavit of W.G. Reaser and Margaret Reason is presented by this applicant, received, filed marked exhibit A and made a part of the record in this case, the same being an affidavit regarding the marriage of Henry S. Duff this applicant to his wife Loulie Barnes.

- Q That was your first wife? A Yes sir.
Q It's the same one that you give as L-u-l-i-e is it?
A Yes sir.
Q Have you the proof of your marriage with your second wife Nannie here? A Yes sir.

Certified copy of the marriage certificate of Henry S. Duff and Nannie Garrett same being the second wife of this applicant, presented by him, received, filed, marked exhibit B and made part of the record in this case.

- Q Have you the proof of your marriage with your third wife here? A No sir I haven't got that.
Q When were you married to her and where? A I've been married about three years.
Q You cant tell exactly? A No sir not exactly.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896?
A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time.
A No sir.
Q Do you come before the commission now to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and

become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case agrat in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, no, I do not.
- Q What is the name of your ancestor that you claim through?
- A John Harper.
- Q Anybody else? A Polly Ann n Harper.
- Q Did she have any other name than Polly Ann? A I dont know sir.
- Q How much Choctaw blood did John Harper have? A He was a full blood.
- Q How much did Polly Ann Harper his wife have? A I don't know; I heard she was a full blood.
- Q You don't know how much John Harper had except what you have heard? A No sir.
- Q What relation was John Harper to you? A Great great grandmother.
- Q And Polly was your great great grandmother? A Yes sir.
- Q Do you know if they lived in Mississippi or Alabama in 1830 and had a family there then, A I dont know.
- Q Did they ever live in that old Choctaw Nation? A I dont know.
- Q Did they go to Colonel Ward within six months after the ratification of the treaty and 1830 and attempt to register under article fourteen of the treaty? A I dont know only what I've heard.
- Q Did you ever hear they did? A I've heard they went there and couldn't register on account of this man being drunk.
- Q They didn't register any way did they? A No sir they didn't register.
- Q Can you give any further particulars about their trying to register? A I cannot.
- Q Did either of them live on land in Mississippi or Alabama five years and then get a patent from the government for that land? A No sir.
- Q Did any of your ancestors claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A Why John Harper claimed.
- Q He claimed by trying to register; is that it? A Yes sir.
- Q But you dont think he lived on land in Mississippi or Alabama? A No sir.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I cant tell you.
- Q Did any of them own improvements on land in the old Choctaw nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors go before a commission appointed by act of

Congress in 1837 or another commission appointed by act of Congress in 1842 and claim any rights under article fourteen of the treaty of 1830? A I didn't hear.

These commissions were appointed by various acts of Congress to hear the complaints of Indians who averred that they had gone before Colonel Ward within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of that treaty but Colonel Ward refused to allow them to register and as a result of his refusal their land had been taken from them in the old Choctaw Nation and sold by the government.

Q Did any of your Choctaw ancestors receive any scrip from the government which scrip was issued under act of Congress approved August 23 1842? A I don't know.

Q This scrip was issued under act of Congress and allowed those Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them, the privilege of selecting land in lieu thereof.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are you related to Christopher Columbus Hanks who claims through John Harper; he's a Kentuckian who has made application here; do you know anything about him? A No sir.

Q Do you know whether he's a relative or not? A No sir.

Q Do you know a man named Charles E. Duff. A Yes he's a nephew of mine I guess.

Q Such a person made application here to be identified as a Mississippi Choctaw and he claims that John Harper is an ancestor of his having Choctaw blood; is that the relative that you claim through? A He's a nephew, yes sir.

Q His case is number 6563. You want to have your case considered with his. A Yes sir.

The case of Charles E. Duff is here referred to as a relative of this applicant 6563.

Thirty days time is allowed in this case for the introduction of other proof.

Examination by Mr. Harrison.

Q Did you ever hear that your great grandmother was called Mary Ann as well as Polly Ann? A I don't know sir.

Q Did you ever hear of her being called Mary Ann as well as Polly Ann? A No sir I don't believe I ever did.

Q I refer to the wife of John Harper. A Yes, I understand.

Q What was the name of your great grandmother? A Polly Ann.

Q I am talking now about your great grandmother, not your great great grandmother. A She was Hanks. Lydia I believe.

Q Did she have a sister if you know. A Yes she had a sister.

Q Do you know what her name was? A Well you have sorter got me bothered; I did know.

Q She married a Cheatham & I can't call the name. If you can call a few names I might catch on to it.

Q Was it Elizabeth or Mary Ann or Betsey? (No answer).

Q Polly wasn't it? A That's right I think.

Q Whom did Polly marry? A Cheatham.

Q What Cheatham. A I don't remember.

- Q Whom did your great grandmother Lydia marry? A Married a Hanks.
- Q Did he have any name except Hanks? A I guess he had a given name but I don't remember what it was.
- Q To refresh your memory do you recollect that it was a man by the name of Fielding Hanks. A Yes sir, that's right, Fielding Hanks.
- Q Now do you remember the name of your grandmother? A Yes sir.
- Q What was her name? A Lucinda Evans.
- Q She was the daughter of Lydia and Fielding Hanks was she not? A Yes sir.
- Q What was the name of her husband? A Henry Evans.
- Q Where do you get your information that John Harper and his wife Mary Ann were full blood Choctaws and that John Harper attempted to register in Mississippi for land as a Choctaw Indian? A Well I've heard it spoken of several times; my father and mother was the first to tell me about it and then I have heard several different parties speak about it.
- Q Your father and mother? A Yes sir.
- Q Do you remember your grandmother? A Yes sir.
- Q Did you ever hear her say anything about it? A No sir.
- Q Do you remember the physical appearance of your grandmother - how she looked. A Well I was small; she was low heavy set; black eyes; black hair to the best of my recollection - it's been so long, I don't know.
- Q What you have learned then about this matter has been from conversations with members of your family and from your family history and tradition hasn't it? A Yes sir.
- Q Do you know when John Harper is supposed to have made this effort to get this land under the provisions of article fourth of the treaty of 1830 down there in Mississippi?
- A No sir I don't remember what year; I've heard them speak about it - thirty or thirty one I think it was.
- Q Do you remember to have heard where they were living at that time? A No sir.
- Q Do you know where and when John Harper died. A I do not know where he died but I've heard them speak about where he was buried-- near Lulbegrubb, Kentucky.
- Q Did you ever hear any of your ancestors say anything about John Harper and his wife owning a home in Mississippi either in 1830 or prior to that time? A Yes, sir.
- Q Now what do you remember having heard relative to that?
- A Well I've heard them speak about it; I can't tell you; the fact is I never paid no attention to it; I can't tell you.
- Q You have testified to all you know either from your personal knowledge or from hearsay testimony directly or indirectly with reference to John Harper trying to get land in Mississippi in 1830 or 1831 as a Choctaw Indian? A Well I don't know; there might be several other questions that you could ask me that I might remember something about, but I give you the best I know about it.
- Q Where did John Harper and his wife go from when they went down there to Mississippi and registered as you have testified.
- A I don't know sir.
- Q How long did they stay in Mississippi at that time?
- A I don't know.
- Q Where did they go to from Mississippi after they made that trip? A I don't know.
- Q When you say you don't know; do you mean from personal knowledge or what you heard or that you know from hearsay

A man some times don't know a thing personally and yet he knows something from what friends have told him and yet he will answer "I don't know." Now do you mean to say you don't know or that you have never had such information as would enable you to answer the question which I have asked you.

A Well sir I think I've answered all the questions I understand

Q Have you heard where John Harper went from when he made the trip to Mississippi to register in 1830 or 1831? A No sir I don't know anything about it; I just understood he come there to register and couldn't register.

Q Have you ever heard where John Harper went from Mississippi? When he made the trip to register?

A No sir.

Q Have you ever heard how long John Harper and his wife remained in Mississippi when they made that trip for the purpose of registering? A No sir.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has medium dark complexion; dark brown eyes; dark brown hair; mustache is lighter brown; he has no knowledge of the Choctaw language.

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Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 26th day of February 1903.

Charles H. Sawyer
Notary Public

M.C.R. 6743.

Muskogee, Indian Territory, November 6, 1903.

Henry S. Duff,

Stepstone, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6743.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Henry S. Duff that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskegee, Indian Territory, March 17, 1904.

Henry S. Duff,
Stepstone, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and your four minor children, Thomas H., William G., Lalie and Boone Duff, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered,

Commissioner in Charge.

M.C.R. 6743.

Muskogee, Indian Territory, June 26, 1905.

Henry S. Duff,

Stepstone, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6743

No.

6743

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 20 1903

Date

Name Henry S. Kluff

Age 34

Blood

1/8

Post Office, Stepstone, Ky -

Father: Samuel A. Kluff, l.

Mother: Sallie Ann .. l.

Claims through mother, 1/4

wife (1) Lulie C. Kluff, d. w.

" (2) Nannie .. d. w.

" (3) Lou .. l. w.

No claim for wife no 3

Children:

Thomas H. Kluff. — 19

William G. " — 17

(above by 1st wife -)

Lulie Kluff. — 9

Boone .. M. 7

(Lulie & Boone by 2nd wife)

Claims for self
and 4 minor

Stenographer

Samuel Kluff

Henry S. Duff et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF DEPARTMENT.

MAR

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 13 1904

COPY OF DECISION
FORWARDED ATTORNEY FOR APPLICANT.

J

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 6744

Minnie L. Horton

MCR 6744

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 20, 1903.

In the matter of the application of Minnie Leigh Horton for the identification of herself, her mother, Sarah Elizabeth Horton, and her minor sister, Nettie Horton, as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicant, represented by Mr. Harrison.

Minnie Leigh Horton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie Leigh Horton.
Q What is your age? A Twenty four.
Q What is your post office address? A Camargo, Kentucky.
Q How long have you lived there? A All my life.
Q Always lived in the state of Kentucky? A Yes sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Frank Horton.
Q Your mother's name is what? A Sarah Elizabeth.
Q Do you claim your Choctaw blood through your mother? A Through my mother; yes.
Q How much do you claim? A One sixteenth.
Q Do you claim your mother was one eighth Choctaw blood?
A One eighth.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A She has not.
Q Do you make this application for yourself and your mother and your sister Nettie Horton? A Yes.
Q You are not married are you? A No.
Q And claim for yourself and mother and sister? A Yes sir.
Q Do you make this claim for your mother and for your sister under this power of attorney which you present signed by her? A Yes, sir.

Power of attorney authorizing Minnie Leigh Horton to make application for her mother, Sarah Elizabeth Horton and for her minor sister Nettie Horton, is presented by this applicant, received, marked exhibit A and made part of the record in this case.

Also a doctor's certificate acknowledged by a physician S.E. Spratt, before Deputy Clerk of the Montgomery County Court of the State of Kentucky, presented by her, received filed marked Exhibit B and made part of the records in this case.

- Q What is your mother's age? A Forty seven.
Q What is her post office address? A Camargo, Kentucky.
Q What is her father's name? A Jordan Wills.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Judith Wills. Her maiden name was Cox; she's living also.

- Q Through which parent does your mother claim her Choctaw blood
A Through her mother.
Q How much Choctaw blood do you claim her mother had - Judith?
A One fourth.
Q What is the name of your minor sister for whom you wish to make application? A Nettie Horton.
Q How old is she? A Thirteen.
Q How much Choctaw blood do you claim she had? A One sixteenth.
Q Her father is William F. Horton? A Yes, sir.
Q And her mother is Sarah M. Horton? A Yes, sir.
Q She's your full sister is she? A My full sister.
Q What is her post office address? A Camargo, Kentucky.
Q Is your name or are the names of your mother or sister on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q You make this claim for yourself, your mother and your minor sister do you not? A Yes sir.
Q Has any one ever made application for you, your mother or your sister for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896?
Q They have not.
Q Have you or your mother or sister ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities in the Indian Territory the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A We have not.
Q Do you come before the Commission at this time for the purpose of identifying yourself and your minor sister and your mother as Mississippi Choctaws? A I do.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes.
Q Do you understand that article? A I think I understand it; I've read it and heard it read.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the state for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I do not.
Q What is the name of your ancestor or what are the names of your ancestors through whom you make this application for yourself and your mother and sister? A John Harper and his wife Mary Ann.

- Q What relation was John Harper to you? A My great greatgrand
grandfather.
- Q Mary Ann was your great great great grandmother? A Yes, sir
- Q How much Choctaw blood did he have? A He was a full blood
Choctaw? A
- Q And was she also? A She was a full blood also, so I've been
told.
- Q Your knowledge of this fact I suppose is based upon family
history and tradition. A Yes, it's a matter of family
tradition.
- Q Now you claim through your mother Sarah Elizabeth Horton?
- A Yes sir.
- Q And she claims through her mother Judith Willb.
- A Yes, sir, and she claimed through her mother.
- Q What was your mother's mother's maidenname? A She was
Judith Cox.
- Q And did she claim through her father or mother? A Through her
mother.
- Q What was her mother's name? A Annie Cox, maiden name Hanks.
- Q Annie Hanks claimed through whom? A Through her mother.
- Q What was her name? A Lydia Harper; she married a Hanks;
Fielding Hanks.
- Q Now Lydia Harper claimed through whom - father or mother?
- A Both I suppose.
- Q They were whom? A John Harper and Mary Ann Harper.
- Q Now did any of these Choctaw ancestors whose names you have
given from your self back to John Harper and Mary Ann Harper
his wife, ever live in Mississippi or Alabama in the old
Choctaw Nation at any time? A John Harper and Mary Ann Har-
per, so I've been told, were born in Mississippi, lived there
and were married in Mississippi, afterwards removed to
Kentucky, sometime after the war of 1812, I believe.
- Q Did they live in Mississippi in 1830 and have a family there
at that time, or were they living in Kentucky at that time.
- A I don't know, I know John Harper went back to Mississippi
about the time of 1830 for the purpose of registering.
- Q He went from Kentucky to Mississippi about that time?
- A Yes.
- Q Did his wife go with him? A I don't know.
- Q Did he register, do you know? A Well I've been told that ---
I don't know whether he did or not, but I've been told that
he did not.
- Q That is family history? A Yes.
- Q You understand then from family history and tradition that
he went to Colonel Ward and attempted to register
under article fourteen of the treaty of 1830? A Yes.
- Q But did not, for some reason, register? A Yes.
- Q Do you know why he didn't? A I believe it was said that
Colonel Ward was drinking at the time - possibly drunk and
he refused to let him register, according to the testimony of
a very old man in Kentucky who was a friend of John Harper-
Peter Manley, I believe is the man who said John Harper
told him that Ward said to go west of the Mississippi river
and register, and refused to let him register; that has been
told to me and I believe we have Mr. Manley as a witness.
- Q Will he be introduced before the Commission in person or will
his deposition be taken? A His deposition has been taken and
it will be presented.

- Q Did you ever hear through any other source that John Harper tried to register and was not able to do so. A No, I think not, except through my relatives; of course, I've heard a good deal about it through my family; I think I've repeated about what I've heard about it.
- Q Do you know whether John Harper or his wife lived on land - or any other Choctaw ancestor of yours lived on land in the old Choctaw Nation in Mississippi or Alabama five years after the treaty of 1830 was ratified and then received a patent or patents from the government? A I don't think I did.
- Q Did either he or his wife or any other Choctaw ancestor of yours claim any land or hold any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Or at any time, did they go from that old Nation to the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission appointed by act of Congress approved August 23 1842 and claim any rights as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one in 1837 and the other in 1842 because of the complaints that were made by Choctaw Indians who claimed that they had gone before Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but because Colonel Ward would not allow them to register their land had been taken from them in the old Choctaw Nation and had been sold by the government.

- Q You don't know whether any of your ancestors went before either? A No, I don't.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who had proven their rights under article fourteen of that treaty and who also had proven that their land had been taken from them by the government in the old Choctaw Nation and sold.

- Q Do you understand the Choctaw language? A I do not.
- Q You don't speak it? A No.
- Q Are you related to Christopher C. Hanks? A Yes.
- Q He has made application before the Commission to be identified as a Mississippi Choctaw has he not? A I think he has.
- Q Do you want to have his case referred to in your application? A I suppose so.

The case of Christopher C. Hanks M.C.R. 6508 is referred to in this connection.

- Q Is Charles M. Duff a relative of yours? A Yes.
Q Is the John Harper that he claims is Choctaw descent from the same as your ancestor? A Yes, the same.

That case is also referred to W.C.R. 6563.

Thirty days time is allowed in this case for the introduction of other proof.

- Q Have you any other evidence you want to present now?
A No, sir.

Examination by Mr. Harrison:

- Q Did you ever hear it mentioned in your family that your great great great grand parents John Harper and his wife owned a home in Mississippi? A Yes, I've been told, or it is a matter of tradition in our family that they lived in Mississippi; that they were born and raised in Mississippi and were married there; I don't know whether they owned a home or not.
Q Have you ever heard what part of Mississippi they lived in?
A No, I haven't.
Q Have you ever heard that it was among the Indians in Mississippi or not? A No, I don't think I heard what part at all or whether it was among the Indians or not.

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By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair; brown eyes; medium fair complexion; she does not understand the Choctaw language.

---0---

Clara Mitchell Wood, being first duly sworn, upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings on said case on said date.

Subscribed and sworn to before me this 27th day of February 1903.

Charles M. Sawyer

Notary public.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Minnie L. Horton that she will be allowed thirty days from this date in which to submit further evidence in support of the application of her mother, Sarah Elizabeth Horton, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6744

Muskogee, Indian Territory, November 6, 1903.

Minnie L. Horton,

Camargo, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your mother, Sarah Elisabeth Horton and your minor sister, Nettie Horton, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6744

Muskogee, Indian territory, March 16, 1904.

Minnie L. Horton,
Camargo, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your mother, Sarah E. Horton, and sister, Nettie Horton, was made a part, refusing said application.

You are further advised that a copy of such decision has been forwarded your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6744.

Muskogee, Indian Territory, June 26, 1905.

Minnie L. Horton,
Camargo, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6744

No. 6744

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 20 1903

Date

Minnie L. Horton, for self
Name Sarah E. Horton and
Nettie Horton

Age 24 -

Blood 1/16

Post Office, Camargo, Ky -

Father: W^m F. Horton, l.

Mother: Sarah E. Horton, l.

Claims through mother 1/8

Children:

Mother.

Sarah E. Horton, 47

P. O. Camargo, Ky

f. Jordan Mills, l.

m. Judith " 1/4 l.

She claims this mother (1/4)

Nettie Horton, - 1/16 13

Claims for self, mother
and minor sister.

Stenographer Clara Mitchell Wood.

Minnie L. Horton et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 29 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Choctaw MCR 6745

Rylda M. Horton

MCR 6745

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 20, 1903.

In the matter of the application of Rylda May Horton for identification as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Rylda May Horton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rylda May Horton.
Q What is your age? A Twenty one.
Q What is your post office address? A Camargo, Kentucky.
Q Is your father living? A Yes, sir.
Q And your mother also? A Yes, sir.
Q What is your father's name? A William Frank Horton.
Q What is your mother's name? A Sarah Elizabeth Horton.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One sixteenth.
Q Have you always lived in Kentucky? A Yes, sir.
Q Has application just been made for your mother by your sister Minnie Leigh Horton? A Yes, sir.
Q She never has been recognized or enrolled as a Choctaw Indian in the Choctaw Nation has she, by any authority? A No, sir.
Q Do you claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time?
A No, sir.
Q This is your first application is it? A Yes, sir.
Q Do you want to be identified as a Mississippi Choctaw?
A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes, sir.
Q Do you understand that article? A Yes, sir, I think so.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child

as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article, do you know?
- A I don't know.
- Q What is the name or are the names of your ancestors that you claim through? John Harper and his wife Mary Ann.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q And his wife was a full blood? A Yes sir.
- Q What relation was John Harper to you? A My great great great grandfather.
- Q Mary Ann was your great great great grandmother?
- A Yes sir.
- Q Did they live in Mississippi or Alabama at any time? A I've heard they lived in Mississippi.
- Q Were they born in Mississippi, do you know. A I've heard so.
- Q Did they live there in 1830 and have a family there then?
- A I don't know.
- Q Did you ever hear that either of them ever lived in Alabama?
- A No sir.
- Q Did they live any where else besides Mississippi? A In Kentucky.
- Q When did they go from Mississippi to Kentucky? A I don't know. Some time after the war of 1812 I've heard.
- Q Do you know whether John Harper or his wife or either of them was in Mississippi in 1831 and attempted to register under article fourteen of that treaty within six months from its ratification? A Yes I've heard he went there to register but he did not.
- Q He went there to register? A Yes sir.
- Q And that is family history is it? A Yes sir.
- Q Do you know why he didn't register? A Yes, sir, I've heard he was refused by Colonel Ward who was drunk.
- Q Did Colonel Ward refuse him in person or how was that?
- A I don't know; in person I think..
- Q Did anybody go with John Harper at that time, do you know.
- A I don't know.
- Q Did John Harper attempt to register for his wife at that time or did she herself? A I don't know.
- Q Did either John Harper or his wife or any other Choctaw ancestor of yours live on land in that old Choctaw Nation either in Mississippi or Alabama five years and at the end of that time get a patent from the government? A I don't know.
- Q Did either of them claim any land or hold any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did either John Harper or his wife or any other Choctaw ancestor of yours go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 which was on the 24th day of February 1831 and the date of that application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government.

A I don't know sir.

Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

In 1837 by act of Congress approved March 3rd of that year and also in 1842 by act of Congress approved August 23 of that year commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these claimants were Choctaw Indians whose grievance was that they had tried to register under article fourteen within six months from the ratification of the treaty and Colonel Ward had refused to accept their names for registration. And because of this refusal those Indians lost the land which they had occupied in the old Choctaw Nation; it was taken from them and sold by the government.

Q Did any of your Choctaw ancestors go before either of those commissions and claim any benefits under that article; do you know? A I don't know.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold.

Thirty days time is allowed in this case, for the introduction of other proof.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are you related to Christopher C. Hanks? A Yes sir.

Q What relation - do you know? A No, sir, I don't know.

Q He claims through John Harper does he not? A Yes, sir.

Q Do you want to have your case considered with his? A Yes, sir.

The case of Christopher C. Hanks, et al., M.C.R. 6508 is referred to in this connection; also the case of Charles E. Duff.

Q Is that a relative of yours? A Yes, sir.

M.C.R. 6563.

Examination by Mr. Harrison:

Q You have stated that John Harper was refused the privilege of registering by Colonel Ward personally; was that your information or was it your information that he was refused by a person having the authority to register. A The person having the authority I guess; I don't know.

Q You don't know? A No sir.

- Q Your information is however to the effect that he applied for registration and was refused? A Yes, sir.
- Q It might have been by Colonel Ward in person and it might have been by someone else; you don't undertake to say only what your information was on that subject; is that right?
- A Yes, sir.

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By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; brown eyes fair complexion; has no knowledge of the Choctaw language.

---0---

Clara Mitchell Wood, being first duly sworn, upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 27th day of February 1903.

Charles E. Sawyer
Notary Public.

M C R 6745

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Rylda M. Horton that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N O R 6745

Muskogee, Indian Territory, November 6, 1903.

Rylda M. Horton,
Camargo, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6748

Muskogee, Indian Territory, March 17, 1904.

Rylda M. Horton,
Camargo, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has ~~been~~ furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6748.

Muskogee, Indian Territory, June 26, 1905.

Rylda M. Horton,
Camargo, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6745

No. 6745

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 20 1903

Date

Name *Aylda M. Horton*Age *21 -*Blood *1/16*Post Office, *Camarago, Ky -*Father: *Wm F. Horton**l.*Mother: *Sarah E ..**l*Claims through *mother -*

Children:

*Claims for self
alone*

Stenographer

Clara Mitchell Wood

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Choctaw MCR 6746

Lida Cowgi II

MCR 6746

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 20, 1903.

In the matter of the application of John T. Coons for the identification of his ward Lida Cowgill as a Mississippi Choctaw.

Thomas & Harrison Attorneys for applicant, represented by Mr. Harrison.

John T. Coons, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John T. Coons.
Q What is your age? A My age is forty two.
Q What is your post office address? A Mount Sterling; I will be forty two my next birth day.
Q What is your occupation? A Farmer.
Q How long have you lived in Kentucky? A All my life.
Q Are you related to Lida Cowgill? A Yes, sir by marriage.
Q Is this your wife's niece? A Yes sir she's a daughter of my wife's sister.
Q You want to make application for Lida Cowgill as your ward?
A Yes, sir.
Q Do you present this paper which are letters of guardianship authorizing you to make this application for your wife's niece? A Yes, sir.

Letters of guardianship signed by W. B. O'Connell, Deputy Clerk, acting for Howard Anderson, the clerk of the County Court for the county of Montgomery in the state of Kentucky appointing John T. Coons the legal guardian of Lida Cowgill, is presented by said John T. Coons, received, filed marked Exhibit "A" and made part of the record in this case.

- Q How old is Lida Cowgill? A Thirteen I think.
Q What is her post office address? A Spencer, Kentucky.
Q Has she always lived in Kentucky? A No sir, she's been in Colorado once.
Q Where was she born? A In Kentucky.
Q And lived there always except when she was in Colorado?
A Yes, sir, I don't think she was ever out of the state but once.
Q How long was she in Colorado? A Not a very long time.
Q Is her father living? A I think he is; he's west somewhere; I don't know.
Q Is her mother living? A No, sir.
Q With whom is Lida Cowgill living? A With her grandmother and grandfather.
Q What's her grandmother's name? A Callie Ann Duff.
Q What is her grandfather's name? A Samuel A. Duff.
Q Do they live at Spencer? A Yes, sir.
Q How long have they lived at Spencer? A I don't know.

- Q What is the name of the father of Lida Cowgill? A John Cowgill.
Q What was the name of the mother of Lida Cowgill? A Mary.
Q Through which parent does she claim her Choctaw blood?
A Her mother.
Q How much Choctaw blood do you claim for the child?
A One sixteenth I suppose it is.
Q Do you claim that her mother was one eighth?
A Yes sir.
Q Has her mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Do you come before the Commission at this time under this authority of guardianship which you present to make application for the identification of this girl as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830.
A Yes sir.
Q Do you know whether application has ever been made for her for citizenship in the Choctaw nation? A There has not.
Q With respect to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Has she ever been admitted to citizenship in the Choctaw nation by any authority whatever up to the present time?
A No sir.
Q Then this is the first application that has ever been made for her in her behalf? A The first I know of.
Q Do you understand article fourteen of the treaty of 1830?
A Tolerably well.
Q Do you care to have it further explained.
A No sir, it's not necessary.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become a citizen of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of the Choctaw ancestors of this child complied or attempted to comply with article fourteen of the treaty of 1830? A No sir I don't know.
Q What is the name of the ancestor of this child that you claim through for her? A John Harper and his wife Lydia Harper.
Q His wife Lydia Harper? A No, Mary Ann Harper, I believe the name is.

- Q What relation was John Harper to this child? A He was a great great great grand-parent.
- Q This child claims through her mother Mary Cowgill? A Yes, sir.
- Q What was her maiden name? A Duff.
- Q Did she claim through her father or mother? A Mother.
- Q What was her name? A Sallie Ann Duff. Her maiden name was Sallie Ann Evans.
- Q And whom did she claim through? A Her mother Lucinda Evans.
- Q And she claimed through whom? A Through her mother Lydia Harper who married a Hanks.
- Q Fielding Hanks? A Fielding Hanks I believe it was.
- Q Who did she claim through? A Lydia Harper was the daughter of John Harper and Mary Ann.
- Q Did any of these Choctaw ancestors whom you have mentioned of Lida Cowgill live in Mississippi or Alabama in 1830?
- A I don't know sir.
- Q Do you know whether they lived or had a family there then?
- A No sir I don't.
- Q Did John Harper or his wife Mary Ann Harper live in Mississippi in 1830 and within six months after the treaty of 1830 was ratified go to Colonel Ward and attempt to register under article fourteen of that treaty? A I don't know sir.
- Q Did any of the Choctaw ancestors of your ward live on land in the old Choctaw Nation five years and at the end of that time get a patent from the government under article fourteen?
- A I don't know sir.
- Q Do you know whether John Harper or Mary Ann did that?
- A No sir, I don't know personally.
- Q Do you know whether any of the ancestors of Lida Cowgill went to Colonel Ward the Indian agent within six months from the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of the treaty of 1830? A No sir I do not know.
- Q Do you know whether any of the Choctaw ancestors of this child went from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Did any of her ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not to my knowledge; of course all I know about that is hearsay.
- Q Did any of the Choctaw ancestors of this child go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between 1833 and 1838 at the expense of the government? A Not that I know of.
- Q You say you never heard that any of these Choctaw ancestors John Harper or Mary Ann or any other received patents from the government for land which they lived on five years in the old Choctaw Nation? A No sir.
- Q Did any of them go before a commission that was appointed by act of Congress approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed for the purpose of hearing

Choctaw Indians who stayed back in Mississippi and Alabama in the old Choctaw Nation and who claimed that they had tried to register under article fourteen of the treaty but Ward the Indian agent had refused to allow them to register and because of his refusal the government had taken their land from them and sold it; they went before these commissions to get their rights under article fourteen of that treaty.

- Q Did any of the Choctaw ancestors of this child for whom you are guardian, receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know sir.

This scrip was issued under act of Congress approved August 23 1842.

- Q Does this young girl speak or understand the Choctaw language?

A No sir she doesn't.

- Q What is her physical appearance as to whether she looks as though she had Indian blood or not? A Well, of course I'm not well acquainted with the looks of the Choctaw Indians; she's tolerable light complected; tolerable light hair; I think her eyes are black.

Thirty days time is allowed in this case for the introduction of other proof.

- Q Is she related to Christopher C. Hanks? A Yes, sir.

- Q What relation; do you know. A I don't know just what relation she is.

- Q Do you think that the John Harper through whom Christopher C. Hanks claims his Choctaw blood is the same John Harper through whom this application is made for your ward? A Yes, sir the same one.

The case of Christopher C. Hanks U.C.R. 6508 is referred to here the claim being that the John Harper through whom he makes his claim before the Commission is the same ancestor through whom this claim is made for Lida Cowgill.

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Clara Mitchell Wood, being first duly sworn upon her oath states that she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of the proceedings had in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 28th day of February 1903.

Charles H. Sawyer

Notary Public.

M C R 6746

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John T. Coons that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his minor ward, Lida Cowgill, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N C R 6746

Muskogee, Indian Territory, November 6, 1903.

John T. Coons,

Mount Sterling, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your minor ward, Lida Cowgill, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 17, 1904.

John T. Coons,
Mt. Sterling, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as a Mississippi Choctaw of Lida Cowgill of Spencer, Kentucky, was made a part, refusing said application.

You are further advised that the attorneys of record in this case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished a copy of such decision; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by said attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6746.

Muskogee, Indian Territory, June 26, 1905.

Lida Cowgill,

Spencer, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised on the 17th day of March, 1904.

Respectfully,

Chairman.

6746

No. 6746

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 20 1903

Date

Name *Lida Cowgill by John*
T. Coons, 42, Mt Sterling Ky

Age *13*

Blood *1/16*

Post Office, *Spencer, Ky -*

Father: *John Cowgill, l.*

Mother: *Mary " d*

Claims through *mother, - '18..*

Children:

Claims for his
ward.

Photographer *Clara M. ...*

A MISSISSIPPI CHOCTAW.

Lida Bowgill

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW

REFER TO M. C. R.

5670

Choctaw MCR 6747

Sallie Ann Duff

MCR 6747

3747

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 26, 1903.

In the matter of the application of John T. Coons for the identification of Sallie Ann Duff; Lucy Coons and her five minor children, Annie Pearl, Emma D., Clarence E., Mary E., and Nannie May Coons; and Mattie Pieratt and her minor child Daisy D. Pieratt, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicants, represented by Mr. Harrison.

John T. Coons, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John T. Coons.
Q What is your age? A I'm forty two; my next birthday, born in sixty one; July 9th, sixty one.
Q You are a white man? A Yes, sir.
Q What is your occupation? A Farming.
Q What is your post office address? A Mount Sterling, Kentucky.
Q What relation to you is Sallie Ann Duff? A My mother-in-law.
Q What relation are you to Lucy Coons? A Husband.
Q And you have five minor children by your wife Lucy Coons?
A Yes, sir.
Q What relation are you to Mattie Pieratt? A She's a sister-in-law.
Q Do you come before the Commission at this time to make application for the identification as Mississippi Choctaws of Sallie Ann Duff, your wife Lucy Coons and your five minor children by her, and for Mattie Pieratt and her minor child?
A Yes, sir.
Q Have you power of attorney from these different parties authorizing you to make this application for them? A Yes, sir.

Power of attorney signed by Sallie Ann Duff by her mark, attested before two witnesses and acknowledged before Howard Anderson, Clerk of Montgomery County Court by I.D. Yocum, Deputy Clerk, authorizing John T. Coons to act as her true and lawful attorney in the matter of prosecuting her claim as a Choctaw Indian, is presented by said John T. Coons, received by the clerk who is the examiner in this case, subject to the future action of the Commission in regard to said authority, filed marked "Exhibit A" and made a part of the record in this case.

- Q Do you wish to present this doctor's certificate as to the physical condition of Sallie Ann Duff? A Yes, sir.

A doctor's certificate signed by Dr. S.H. Thomas, in regard to the physical condition of Sallie Ann Duff, wife of Samuel A. Duff is presented by said John T. Coons, received by the clerk

who is the examiner in this case, filed, marked "Exhibit B" and made part of the record in this case; this certificate is received by the examiner subject to approval by the Commission.

Q Do you want to present this power of attorney signed by Lucy Coons? A Yes, sir.

Q A power of attorney signed by Lucy Coons the wife of John T. Coons and properly acknowledged before a notary public of Montgomery County Kentucky authorizing the said John T. Coons to represent her as her true and lawful attorney and also to represent her children in the matter of their claim as members of the Choctaw tribe of Indians to be prosecuted before this Commission, is presented by the said John T. Coons received by the clerk who is the examiner in this case subject to the future approval of the Commission to the Five Civilized Tribes, marked "Exhibit C" and made part of the records in this case.

Q Do you wish to present this doctor's certificate in regard to the condition of some of her children? A Yes, sir, two children.

A doctor's certificate signed by G.W. Cox M.D. and properly acknowledged before a notary public of Montgomery County Kentucky stating the physical condition of two children of said Lucy Coons is such that the mother is not able to leave them at the present time is presented by said John T. Coons, received by the clerk who is the examiner in this case, subject to the future approval of the Commission to the Five Civilized Tribes, filed, marked "Exhibit D" and made part of the record in this case.

Q Do you wish to present this power of attorney signed by Mattie Pieratt? A Yes, sir.

A power of attorney signed by Mattie Pieratt properly acknowledged before a duly constituted officer authorizing said J.T. Coons to represent her as her true and lawful attorney for her and her infant child Daisy D. Pieratt in the prosecution of her rights as a Choctaw Indian before the Commission and to do all acts necessary and pertaining thereto, presented by the said John T. Coons, received by the clerk who is the examiner in these cases, subject to the future approval of the Commission to the Five Civilized Tribes, filed marked "Exhibit E" and made part of the record in this case."

Q Do you want to present this doctor's certificate signed by O.H. Roberts and stating the reason why Mattie Pieratt is unable to be present? A Yes, sir.

The doctor's certificate signed by O.H. Roberts a physician properly attested by a notary public of Bath County, Kentucky in regard to the physical condition of Daisy D. Pieratt, the infant child of Mattie Pieratt is presented by John T. Coons received by the clerk examining this case, subject to the future approval of the Commission, filed, marked "Exhibit F" made part of the record in this case.

- Q How old is Sallie Ann Duff. A Sixty nine years old.
- Q What is the name of the father of Sallie Ann Duff. A Henry Evans.
- Q Is he dead? A Yes, sir.
- Q He was a white man or a Choctaw? A White man, I presume.
- Q He was a white man? A Yes, sir.
- Q What was the name of the mother of Sallie Ann Duff? A Lucinda Evans.
- Q Is she living? A Dead.
- Q Did she have Choctaw blood? A Yes, sir.
- Q How much? A One half.
- Q Do you claim that Sallie Ann Duff had one fourth Choctaw blood?
- A Yes, sir.
- Q Did you give the post office address of Sallie Ann Duff?
- A Spencer.
- Q Kentucky? A Yes, sir.
- Q Do you know whether Lucinda Evans the mother of Sallie Ann Duff has ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the United States authorities or the Choctaw tribal authorities in the Indian Territory?
- A No, sir not to my knowledge.
- Q Do you want to make application also for the identification as a Mississippi Choctaw of your wife Lucy Coons and your five minor children by her? A Yes, sir.
- Q How old is your wife? A Thirty seven.
- Q How much Choctaw blood do you claim she has? A One eighth.
- Q What is her post office address? A Mount Sterling.
- Q What is the name of the father of your wife Lucy? A Samuel A. Duff.
- Q Is he living? A Yes sir.
- Q Is he a white man or Choctaw-Indian? A White man.
- Q What is the name of the mother of your wife? A Sallie Ann Duff
- Q She's living? A Yes sir.
- Q And has how much Choctaw blood? A She has one fourth.
- Q Your wife claims through her mother Sallie Ann Duff? A Yes sir.
- Q And you are making your claim now for your wife's mother Sallie Ann Duff? A Yes sir.
- Q Are you and your wife now living together as husband and wife and are these children which you intend to make application for your children by her and are they all living with you at your home? A Yes, sir.
- Q Give me the names of your children by your wife Lucy Coons?
- A Annie Pearl Coons.
- Q How old is she? A She's eighteen.
- Q How much Choctaw blood has she? A One sixteenth.
- Q What is the name of the next one? A Emma D.
- Q How old? A Fifteen.
- Q The next? A Clarence E.
- Q How old? A Twelve I believe.
- Q The next? A Mary E.
- Q How old? A Eight.
- Q The next? A Nannie May.
- Q How old? A One year.
- Q They are all your children by your wife Lucy Coons and they claim their Choctaw blood through their mother? A Yes, sir.
- Q And have one sixteenth Choctaw blood? A Yes, sir.
- Q And they are all living with you at your home? A Yes, sir.

- Q When were you married to your wife Lucy Coons? A The thirty first day of August, 1883..
- Q Where were you married? A At her father's in Montgomery County.
- Q By a minister under a license in the state of Kentucky?
- A Yes, sir.
- Q Do you want to make application also at this time for Mattie Pieratt and her child? A Yes, sir.
- Q How old is she? A I believe she's thirty five; I'm not positive about that; that's the best of my recollection.
- Q How much Choctaw blood do you claim for her? A One eighth.
- Q Is she your wife Lucy Coons' sister? A Yes, sir.
- Q And her father's the same as your wife's father, Samuel A. Duff. A Yes, sir.
- Q Her mother is Sallie Ann Duff for whom you make application today? A Yes, sir.
- Q What is her post office address? A Bethel, Bath County, Kentucky.
- Q Has she always lived in Kentucky? A Yes, sir.
- Q Has your wife? A Yes, sir.
- Q And has their mother, Sallie Ann Duff? A I think so; I don't think she has ever lived outside of the state.
- Q What is the name of the infant child of Mattie Pieratt?
- A Daisy D.
- Q D-a-i-s-y? A I don't know how they spell it.
- Q How old is she? A She's two.
- Q How much Choctaw blood do you claim for her? A One sixteenth.
- Q What is the name of the father of Daisy D. Pieratt? A William H. I think his middle name is.
- Q Living? A Yes, sir.
- Q White man? A Yes, sir.
- Q And the name of the mother of this child is Mattie? A Yes, sir.
- Q You make application for Mattie Pieratt, today? A Yes, sir.
- Q Is the name of Sallie Ann Duff or her daughter Lucy Coons or her daughter Mattie Pieratt or the names of any of the children of Lucy Coons or Mattie Pieratt on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Has any application ever been made for any of those parties for whom you make application now either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896?
- A No sir.
- Q Has any application ever been made for any of those parties for whom you make application now to any authority whatever up to the present time? A No sir.
- Q Is this the first application ever made for them by any authority whatever as Choctaw Indians? A As far as my knowledge extends.
- Q None of them have ever been enrolled or recognized as Choctaw Indian by any authority whatever? A No sir.
- Q Do you come before the Commission at this time to identify these people for whom you now make application, as Mississippi Choctaws? A Yes, sir.
- Q Claiming under article fourteen of the treaty of 1830?
- A Yes, sir.
- Q Do you understand that article? A Tolerably well.
- Q Do you care to have it explained any further?
- A No sir it's not necessary.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the Choctaw ancestors of these persons for whom you make application under these various powers of attorney ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Now all of these applicants including Sallie Ann Duff claim through the same common ancestor do they not? A Yes sir.
- Q And claim through whom? A John Harper and his wife.
- Q What is the name of John Harper's wife? A Mary Ann Harper., is my understanding; of course that's tradition.
- Q How much Choctaw blood did John Harper have? A Claimed to be full blood.
- Q What relation was John Harper to Sallie Ann Duff? A Great great grandfather I believe?
- Q Lydia Harper is John Harper's daughter and Mary Ann Harper's daughter? A Yes, sir.
- Q What was the name of the man Lydia Harper married? A Fielding Hanks.
- Q Her daughter was Lucinda Evans? A Whose daughter?
- Q Lydia Hanks'; Lucinda Hanks was the daughter of Lydia Hanks and Fielding Hanks and she married a man named Evans? A Yes, sir.
- Q What was the Christian name? A Henry Evans; I think it was, and then Mrs. Sallie Ann Duff is her daughter.
- Q Sallie Ann Duff was Sallie Ann Evans when she was married? A Yes, sir.
- Q Now the question is: what relation was John Harper to Sallie Ann Duff whose name was Sallie Ann Evans? A That would make him her great grandfather.
- Q And Mary Ann Harper was Sallie Ann Duff's great grandmother? A Yes, sir.
- Q If John Harper was the great grandfather of Sallie Ann Duff what relation was John Harper to Lucy Coons the daughter of Sallie Ann Duff? A Great great grandfather.
- Q And Mary Ann Harper was her great great grandmother? A Yes sir.
- Q If John Harper and Mary Ann Harper his wife were the great

great grand parents of your wife Lucy Coons what relation were they to your children? A Great great great grand parents

Q If John Harper and his wife Mary Ann Harper were the great grand parents of Sallie Ann Duff what relation were they to Mattie Pieratt, the daughter of Sallie Ann Duff?

A Great great grand parents.

Q And they were the great great great grand parents of the minor child of Mattie Pieratt? A Yes, sir.

Q All of these people for whom you are making application today claim their Choctaw descent from John Harper and his wife Mary Ann Harper. Do you claim both were full bloods?

A Yes, sir.

Q Do you know if any of the Choctaw ancestors of these people that you make application for now, either John Harper or his wife Mary Ann Harper or any Choctaw ancestor of theirs less remote lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and were the heads of families there at that time? A I do not know.

Q Did any of the Choctaw ancestors of these persons for whom you make application today go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi or Alabama take land there and become citizens of the states? A I don't know.

Q Did any of the Choctaw ancestors of these people for whom you make application today, either John Harper or his wife Mary Ann Harper or any other ancestor less remote live on land in the old Choctaw Nation for a period of five years after the treaty of 1830 was ratified and at the end of that time receive a patent or patents from the government under article fourteen of the treaty of 1830? A I don't know.

Q Did any of those Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

Q Did any of the Choctaw ancestors of these people for whom you are making application today go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you for these people that you are making application for today?

A I don't know.

Q Now did any of the Choctaw ancestors of these people, any of them come at any time between 1833 and 1838 from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians?

A I don't know.

Q Did any of the Choctaw ancestors of these people that you are making application for now go before a commission appointed by Congress by an act approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one in 1837 and the other in 1842 under these various acts of Congress because of the complaints of Choctaw Indians who remained back in the old Choctaw Nation and who had attempted to register under article fourteen of the treaty of 1830 that when they made that attempt Colonel Ward who was the United States Indian agent refused to allow them to register or neglected to put their names

upon his registry list and because of this refusal and neglect on his part these Indians had their land which they had occupied in the old Choctaw nation taken from them by agents of the United States government and sold at its public land sales; because of this wrong and the distress caused by the action of the government these commissions were appointed to hear the complaints of Choctaw Indians who claimed that they had attempted to comply with article fourteen of the treaty of 1830.

Q You don't know whether any of the ancestors of these people you are making application for today went before either of these commissions? A No sir I don't.

Q Did any of the Choctaw ancestors of Sallie Ann Duff or Lucy Coons or her children or Mattie Pieratt or her child receive any scrip or certificates from the government of the United States which authorized them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which the ancestors of these people formerly held in the old Choctaw nation and which the government had taken from them and sold? A I don't know.

Q You never heard that John Harper or his wife or any other ancestor of these people received any scrip? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the agents of the government and sold at its public land sales.

Q What is the physical appearance of Sallie Ann Duff with reference to whether she looks like a Choctaw Indian.

A I suppose she does; she has very dark hair; black eyes and not very fair complexioned; rather dark complexioned.

Q Where was she born; she is now sixty nine years old; where was she born? A In Kentucky.

Q Always lived there? A I think so; I don't think she has ever been out of Kentucky.

Q And as far as you know did her parents always live in Kentucky

A No sir I don't believe they have; I'm not sure.

Q Do you know where they did live? A I think her mother lived the latter part of her days in Texas some; I don't know; I'm not sure about that.

Q Her father was Henry Evans and her mother was Lucinda Evans.

A Yes sir.

Q What is the physical appearance of your wife with reference to whether she shows Choctaw blood or not?

A She don't show the Choctaw blood like her mother.

Q Her eyes are what color? A Black.

Q What color is her hair? A Her hair is not very dark and not very light; medium.

Q Is her complexion medium light? A Yes sir she is not very dark

Q Are any of your five children dark? A They are nearly all tolerably fair complexioned; all black eyes except one; one has blue eyes; the others all black.

Q Light hair? A Medium colored hair.

Q None of them has black hair? A No sir.

John T. Coons

- Q Described Mattie Pieratt's physical appearance.
A She has rather dark eyes; black; and black hair.
Q Her child is an infant is it? A Yes, sir.
Q No any of these people Sallie Ann Duff your wife Lucy Coons or Mattie Pieratt speak the Choctaw language or understand it? A No sir.

Thirty days time is allowed in this application made by John T. Coons for Sallie Ann Duff under this power of attorney and Lucy Coons and her five children under her power of attorney and Mattie Pieratt ~~and her child~~ under the power of attorney signed by her, by the examiner for the Commission with the understanding that this examination and the whole proceeding here taken is to be subject to the future action of the Commission to the Five Civilized Tribes.

By Mr. Harrison: I desire to file the affidavit here presented in support of the proof of the marriage of Lucinda Hanks and Henry Evans for the purpose of whatever benefit may accrue therefrom in the matter of the application for identification as Mississippi Choctaws of the descendants of this man and this woman whose marriage certificates are required by the Commission.

By the Commission:

The joint affidavit of Sallie Hoffman, John T. Hoffman and E. C. Congleton is presented by John T. Coons through his attorney, received, filed, marked "Exhibit G" and made part of the records in this case; this exhibit is also received subject to the approval of the Commission.

By Mr. Harrison:

- Q What information if any have you that John Harper and his wife or either of them applied for registration in Mississippi in 1830 or 1831 for the purpose of identifying themselves or himself or herself as a Choctaw Indian so that they or he or she might secure land as Choctaw Indians or as a Choctaw Indian in the state of Mississippi; what have you heard about that?
A I've heard a witness by the name of Mailey state that John Harper went to Mississippi in the fall of 1830 or 1831 and enrolled as a Mississippi Choctaw or got the right to land that was due him in Mississippi.
Q He was supposed to be at that time a Choctaw Indian was he not?
A Yes, sir.
Q Then his purpose in going there as you have heard was it or was it not - to register in order that he might get land?
A Yes, sir.
Q Do you remember to have heard under what provision if any of the treaty of 1830 or any other treaty he made that application and attempt to register? A I don't know that I understand the question exactly.
Q Do you remember to have heard under what provision of the treaty he is supposed to have made that application for registration? A Under article fourteen I presume.
Q Of what treaty? A Of the treaty of 1830; the treaty made at Dancing Rabbit Creek.

- Q Then so far as you have heard the registration was to comply with the provisions of that article? A Yes sir.
- Q How old is the man Manley; about how old? A He's pretty near ninety years old.
- Q He's living? A Yes, sir.
- Q His post office address is what? A Owingsville-Kentucky.
- Q And what other information have you that is derived from any other old person or from members of your family? A Well I saw an old man in Kentucky who knew this old man Harper; he said he left there about that time but he didn't know where he went to.
- Q Well it has been a matter of common conversation among the members of your family? A Yes, I've heard about it a good deal. Then I also heard from another old woman in Kentucky that he left and went to Mississippi and returned after staying some length of time there.
- Q Did anybody come back with him? A Yes sir they said that he brought an Indian boy back with him; of course I don't know.
- Q Do you remember to how I heard what his name was? A It seems like I've heard but I've forgotten; I don't know his name.

By the Commission:

- Are these people you make application for today related to Christopher C. Hanks who made application before this Commission some time ago? A Yes, sir.
- Q Do you know what relation Sallie Ann Duff is to Christopher C. Hanks? A No sir, I do not.
- Q Are you sure that the John Harper that she makes her claim through is the John Harper through whom Christopher C. Hanks makes his claim? A Yes, sir.
- Q You want to have his case referred to do you? A Yes, sir.

The case of Christopher C. Hanks N.C.P. 6508 is here referred to the claim being that the John Harper through whom he makes his claim for Choctaw blood is the same John Harper through whom these claimants make their claim whom John T. Coons represents in this application.

---0---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 28th day of February 1903.

Charles H. Sawyer

Notary Public.

M C R 6747

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John T. Coons that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Sallis Ann Duff, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6747

Muskogee, Indian Territory, November 6, 1903.

John T. Coons,

Mount Sterling, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Sallie Ann Duff, and Lucy Coons and her minor child, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6747

Muskogee, Indian Territory, March 17, 1904.

Sallie Ann Duff,
Spencer, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al; of which the application made by John T. Coons for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

Muskegee, Indian Territory, March 17, 1904.

Lucy Coons,

Mt. Sterling, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by John T. Coons for the identification as Mississippi Choctaws of yourself, your granddaughters, Annie Pearl Coons, Emma D. Coons, Mary E. Coons, Nannie May Coons, and grandson Clarence E. Coons, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M C R 6747

Muskogee, Indian Territory, March 17, 1904.

Mattie Pieratt,

Bethel, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by John T. Coons for the identification as Mississippi Choctaws of yourself and your granddaughter, Daisy D. Pieratt, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6747.

Wuskogee, Indian Territory, June 26, 1905.

Sallie Ann Duff,

Spencer, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

M.C.R.6747.

Muskogee, Indian Territory, June 26, 1905.

Mattie Pieratt,

Bethel, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

M.C.R. 67487

Muskogee, Indian Territory, June 26, 1905.

Lucy Coons,

Mt. Sterling, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6747

No.

6747

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name John T. Coons⁴² for
 *Sallie Ann Leach 69. $\frac{1}{4}$ cho.
 P.O. ———— ~~St. Louis~~ ^{St. Louis} Ky

Lucy Coons & 5 minor

Next Office:

Mattie Pieratt & 1 minor

Father: of Sallie Ann Leach.

Henry Evans d. w.

Mother: of Sallie Ann Leach.

Lucinda Evans d. $\frac{1}{2}$ c.

(claims through)

Lucy Coons, 37. $\frac{1}{8}$ cho.

P.O. Mt Sterling, Ky

f. Samuel A. Leach. l. w.

m. Sallie Ann " l. $\frac{1}{4}$ cho.

children of Lucy Coons

and John T. Coons

(children):

*Annie Pearl Coons 18 $\frac{1}{16}$

*Emma H. " 15 $\frac{1}{16}$

*Clarence E. " 12 $\frac{1}{16}$

*Mary E. " 8 $\frac{1}{16}$

*Nannie May " 1 $\frac{1}{16}$

*Mattie Pieratt. — 30. $\frac{1}{8}$

P.O. Bethel, Ky —

f. Samuel A. Leach. l. w.

m. Sallie Ann " l. $\frac{1}{4}$ c.

*Daisy H. Pieratt 2 $\frac{1}{16}$

f. William H. Pieratt. l. w.

m. Mattie Pieratt. cho $\frac{1}{8}$

(over)

Stenographer

Claim is made
by John T. Coons
for

Sallie Ann Kluff,
her daughters

Lucy Coons, (2 5
minor children 2
Lucy Coons)

and

Mathie Priest
(and her one minor
child)

Sallie Ann Duff et

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 10 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY 1

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUN 1

NOTICE OF DEPARTMENTAL
ACTION FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670.

Choctaw MCR 6748

Thomas N. Duff

MCR 6748

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 20, 1908.

In the matter of the application of Benjamin Franklin Perry for the identification of his ward Thomas N. Duff as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant represented by Mr. Harrison.

Benjamin Franklin Perry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin Franklin Perry.
Q What is your age? A Forty two.
Q What is your post office address? A Spencer Kentucky.
Q Do you come before the Commission to make application for the identification as a Mississippi Choctaw of Thomas N. Duff?
A Yes sir.
Q Do you wish to file these letters of guardianship showing your appointment as guardian for him? A Yes sir.

Said letters of guardianship signed by W.B.O'Connell for Howard Anderson clerk of the County Court for the County of Montgomery State of Kentucky showing the appointment of B.F.Perry as guardian for T.N.Duff is presented by Benjamin Franklin Perry, filed marked Exhibit A and made part of the record in this case.

- Q What is the name of your ward for whom you make application?
A Thomas N. Duff.
Q What is his age? A Sixteen.
Q What is his post office address? A He's here now; staying here. Spencer is his home.
Q Will he be home soon? A No sir.
Q Where will a letter reach him in the next week or month or six months? A Muskogee.
Q His present and future post office address will be Muskogee, Indian Territory? A Yes sir.
Q Has he always lived in Kentucky until he came to Muskogee?
A Yes sir.
Q Any communication addressed to him hereafter at Muskogee Indian Territory will reach him then? A Yes sir.
Q And if the Commission desires to address you as guardian in his behalf in reference to this application or any matters pertaining to his application what will your post office address be? A Spencer Kentucky.
Q What is the name of the father of Thomas N. Duff? A J.C.B. Duff.
Q Is he living? A No sir.
Q Is the mother of this ward living? Yes sir.
Q What is her name? A Emma Duff.
Q What is her present address? A Spencer Kentucky.

- Q Through which parent does he claim Choctaw blood? A His father.
- Q How much do you claim for him? A One sixteenth.
- Q You claim that his father was one eighth Choctaw Indian?
- A Yes sir.
- Q Has his father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you make application for this minor ward alone? A Yes sir.
- Q You don't make application for anybody else? A No sir.
- Q Do you know when and where his father and mother were married?
- A In Montgomery County Kentucky.
- Q Have you the proof of that marriage with you? A It has been sent or I will send it. I haven't it; the other two older boys have registered and I don't know whether they had it with them or not; if it's necessary I will send it.
- Q Do you know whether his father and mother were married by a minister under a license? A They were.
- Q Is the name of this ward on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Was any application ever been made for him for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by any authority whatever, either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to make this application for his identification as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I've heard it read and read it.
- Q You think you understand it do you? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the Choctaw ancestors of this ward comply or attempt to comply with any of the provisions of that article; do you know? A No sir.
- Q What is the name of his Choctaw ancestor or the names of his Choctaw ancestors? A John Harper and his wife; I don't know her name.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q How much did his wife have? A Full blood.
- Q What relation was John Harper to Thomas N. Duff? A Great great grandfather.
- Q And was John Harper's wife his great great great grandmother?
- A Yes sir.
- Q Do you know whether John Harper and his wife lived in Mississippi or Alabama in the old Choctaw nation in 1830 and were the heads of families at that time? A I don't know.
- Q Did any of the Choctaw ancestors of your Ward - John Harper or his wife or any other go to Colonel Ward the United States Indian agent within six months after the treaty of 1830 was ratified and registered or attempted to register under article fourteen of the treaty of 1830.
- Q I've heard they attempted to register.
- Q Where did they live at that time? A On Lullibigrubb, Kentucky.
- Q What is the name of that place; how do you spell it. A Mr Coons will you spell it.

By Mr. Coons: L-u-b-e-g-r-u-d.

- Q Did John Harper or any other Choctaw ancestor of this minor ward live on land in the old Choctaw nation in Mississippi or Alabama five years and at the end of that time receive a patent from the government under article fourteen? A I don't know sir.
- Q Did any of the Choctaw ancestors of Thomas N. Duff go from the old Choctaw nation east of the Mississippi river to the Choctaw nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for him? A I don't know sir.
- Q Did any of them claim any land in the old Choctaw nation under article fourteen; do you know. A No sir I don't know.
- Q Did any of them own any improvements on land in the old Choctaw nation in 1830? A I don't know.
- Q Did any of the Choctaw ancestors of Thomas N. Duff go before a Commission in 1837 or 1842 which commissions were appointed by various acts of Congress to hear Choctaw Indian claimants under article fourteen of the treaty of 1830 who claimed under that article? A I've heard John Harper did.
- Q Well now if you heard John Harper went before one of these two commissions which one was it - the one in 1837 or the one in 1842? A Well sir I can't tell you.
- Q Do you know what became of his application before either of these two commissions? A No sir.

These commissions were appointed by various acts of Congress to hear claimants who went before Colonel Ward in the first place and attempted to register under article fourteen of the treaty of 1830, after having been refused registration or for some reason or other not having registered before Colonel Ward under article fourteen of the treaty of 1830; their land

was taken from them by the government because they failed to have their names placed on Colonel Ward's registry list; later on their complaints at this treatment by the government led to the appointment of these commissions one in 1837 and the other in 1842.

- Q You think that John Harper went before one of these two commissions. A Yes sir.
- Q But you don't know anything further about it; whether he received any rights or not as a Choctaw Indian? A No sir I don't know.
- Q Did any of the Choctaw ancestors of your ward receive any scrip from the government which scrip was issued by the second commission in 1842 under act of Congress approved August 23rd of that year 1842. A I don't know sir.

This scrip was issued to Choctaw Indians who proved their rights under article fourteen and entitled the holder to select land in Mississippi, Alabama, Louisiana or Arkansas.

- Q This is your ward is it now before the Commission ?
- A Yes sir.
- Q Do you know whether he is related to Christopher C. Hanks who claims through John Harper? A Yes sir.
- Q Do you know what relation exists between them? A No sir.
- Q But are you sure that he is related to Christopher C. Hanks and that the John Harper that Christopher C. Hanks claims through is not John Harper that your ward claims through?
- A Yes sir.
- Q Do you want to have that case referred to in this case?
- A Yes sir.

The case of Christopher C. Hanks is referred to in this connection.

Thirty days time is allowed this applicant for the introduction of other proof; all

Also the case of Charles M. Duff M.C.R. 6563 in request of Mr Harrison Attorney for this applicant is referred to.

By Mr. Harrison:

- Q You say your information is that John Harper tried to register as a Choctaw Indian in Mississippi? A Yes sir.
- Q Do you remember when that was or about when it was? A I think it was in 1831.
- Q You stated a moment ago that he made an application to the Commission of 1837 or 1842; were you mistaken in that statement? A I think I was.
- Q When you made that statement what application did you refer to that he had made. A The application to get his name on the roll as a Choctaw Indian.
- Q At what time. A A short time after the land was taken from them but I can't state the days.
- Q You said a moment ago about 1831; do you mean that time?
- A Yes sir.
- Q Then in making the statement that he appeared before the Commission in 1837 or 1842 you were mistaken about that. Wasn't any statement that you made with reference to it -- you intended should apply to the application he had made in 1831? A Yes sir.

B. F. Perry 8

- Q Did you mean to state that John Harper and his wife lived in Kentucky in 1830 and they had come to Kentucky and went back to register; he went back to register.
- Q What you have learned about John Harper and his wife has been obtained by conversations with members of your family, and your family history and tradition? A Yes sir and I may have miscalled the dates; I'm bad on dates.

---0---

By the Commission:

The minor Thomas H. Duff for whom this application is made by his guardian Benjamin Franklin Perry is now present before the Commission; he has black eyes; black hair; ruddy complexion; dark.

Q He doesn't understand Choctaw? A No sir.

He does not understand or speak the Choctaw language.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 20th day of February 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 2nd day of March 1903.

Charles H. Sawyer

Notary Public.

M C R 6748

Muskogee, Indian Territory, February 27, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing affidavits of William F. Hanks and Jessie McPhearson relative to the marriage of S. A. Duff and Sarah Ann Duff, his wife, offered for filing in support of the application made by Benjamin F. Perry for his minor ward, Thomas H. Duff, as a Mississippi Choctaw. Said affidavits have been filed with the record in this case.

Respectfully,

Chairman.

M C R 6748

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Benjamin F. Perry that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Thomas H. Duff, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6748

Muskogee, Indian Territory, November 6, 1903.

Benjamin F. Perry,
Spencer, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your minor ward, Thomas H. Duff, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 17, 1904.

Benjamin F. Perry,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as a Mississippi Choctaw of Thomas H. Duff was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished the attorneys of record in this case, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by said attorneys.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 5748.

Muskogee, Indian Territory, June 26, 1906.

Thomas W. Duff,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6748

No.

6748

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name Thomas N. Huff, by -
Benjamin F. Perry, Guardian.

Age 16

Blood 1/16

Post Office, ^{of ward} Mullroge, I. T.

Father: J. C. B. Huff (d)

Mother: Emma " (l.)

Claims through father, 1/8-

~~CLAIMS~~

claims for ward alone

THOMAS H. DUFF
THOMAS H. DUFF

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 1 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUN 2 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 1 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 1 1904

JUN 1 1904

FILED
JUL 27 1905
COMMISSION TO THE

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

6748



Thomas N. Duff

Muskogee, Indian Territory.

RETURNED
TO
WRITER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 19 1904

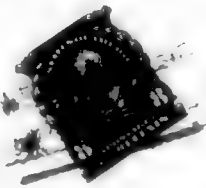


CHAIRMAN

6748

694

APR 19 1904



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Benjamin F. Perry

Muskogee Indian Territory.

APR 19 1904

REGISTERED

APR 19 1904

MUSKOGEE, IND. TER.

Choctaw MCR 6749

William M. Williamson

MCR 6749

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of William M. Williamson,
et al., for identification as Mississippi Choctaws, M.C.R. 6749.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William M. Williamson, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	1
Affidavit in interrogatory form of Elizabeth Williamson-----	6
Decision of the Commission refusing the appli- cation of William M. Williamson, et al., for for identification as Mississippi Choctaws-----	7

---O---

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 20, 1903.

In the matter of the application of William M. Williamson for the identification of himself and his three minor children Earl, Versy and Obadiah Williamson as Mississippi Choctaws.

William M. Williamson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William M. Williamson.
Q What is your age? A Forty five.
Q What is your post office address? A Kittrell, Texas.
Q How long have you lived there? A I was born in Texas.
Q Born and raised in Texas and always lived there? Yes sir
I was born in Poke County.
Q Is your father living? A No sir
Q Is your mother living? A No sir.
Q What was your father's name? A John T. Williamson.
Q What was your mother's name? A Rhoda Williamson.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much do you claim? A One eighth.
Q Was your mother one fourth Choctaw? A Yes sir so she always told me.
Q Did she ever live in the Choctaw Nation Indian Territory or has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities in the Indian Territory?
A I don't know.
Q You never heard so did you? A I've heard them say so.
Q You never heard them say she has been in the Choctaw Nation Indian Territory? A No sir.
Q Is your wife living? A Yes sir
Q Is she a white woman? A Yes sir.
Q What's her name? A Martha.
Q You don't make any claim for her then? A I think so, if necessary.
Q She's a white woman isn't she; you don't want to make application for a white woman? A I reckon not.
Q Just state whether you want to make application for your wife or not? A No sir I won't make application for her.
Q You want to make application for yourself and children
A Yes sir.
Q What is the name of your oldest child? A Earl.
Q How old is he? A Thirteen.
Q The next? A Versy.
Q Girl? A Yes sir.
Q How old is she? A Nine.
Q The next one? A Obadiah.
Q How old is he? A Six years old.
Q Is that all? A Yes sir that's all.
Q Is Martha Williamson your wife the mother of these children.
A Yes sir.

- Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes sir.
- Q Have you the proof of your marriage with your wife Martha with you now? A No sir.
- Q Don't you know when you were married to her. A 1887.
- Q What day of the month? A The fourth day of November I think
- Q Were you married by a minister under a license? A No sir I was married by a justice of the peace.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw nation in the Indian territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian territory? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian territory? A No sir.
- Q Do you come before the Commission now to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well I do not know - thoroughly whether I do or not.

The treaty of 1830 was made between the Choctaw Indians and the United States government on the 27th day of September of the year 1830 at Dancing Rabbit Creek in Mississippi; this is called sometimes the treaty of Dancing Rabbit Creek; the object of that treaty was to get the consent of the Choctaw Indians to go from the old Choctaw nation east of the Mississippi river to the Choctaw nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Choctaw nation article fourteen was put into the treaty of 1830; an article in a treaty is one of its paragraphs or subdivisions. Now article fourteen under which you make your claim today for your self and child is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No sir I don't know for certain.
- Q Who do you claim through? A Blakely.
- Q You claim through your mother Rhoda Williamson? A Yes sir.
- Q What was her maiden name? A Rhoda Blakely.
- Q Did she claim through her father or mother? A Her mother.
- Q What was her mother's name? A I do not know for certain.
- Q Whom did she claim through - her father or mother? A Through her mother.
- Q What was her name? A I've only been told she was named Smith. My great grandmother was a Blakely. My mother was a Williamson my grandmother was a Blakely. And I've been told that my great grandmother was a Smith.
- Q Do you claim through your great grandmother? A If it would come through that way; my great grandmother Smith was a full blood.
- Q What was her other name? A I think it was Elizabeth.
- Q Your great grandmother Elizabeth Smith was a full blood?
- A That's what they say and my grandmother was a half blood..
- Q Did your great grandmother Elizabeth Smith live in Mississippi or Alabama? A I do not know; I know my mother lived in Mississippi in the town of Decatur.
- Q What was Elizabeth Smith's married name? A I don't know.
- Q How do you know she was a full blood? A I've been told.
- Q Who told you? A My mother I believe told me.
- Q You claim through your mother and she claimed through whom - father or mother? A Her mother.
- Q What was her mother's name? A Smith.
- Q You claim through your mother Rhoda Williamson; her maiden name was Blakely, therefore her mother's name was Blakely.
- A Yes sir.
- Q What was her Christian name; don't you know her given name? Rhoda Williamson you say was Rhoda Blakely, therefore her mother's name was Blakely; what was her Christian name; was it Annie or Mary or Lucy Blakely or what; I'm talking now about your grandmother.
- A It was Elizabeth I believe; I ain't certain.
- Q Her maiden name was what? A Smith.
- Q And her mother's name was what - that's your great grandmother now; you gave it once as Elizabeth Smith; is that right?
- A I think so.
- Q Is that right? A Elizabeth Smith.
- Q That's your great grandmother is it? A Yes sir to the best of my belief.
- Q Do you know what the name of the husband of Elizabeth Smith was - your great grandmother? A No sir.
- Q Do you know whether she lived in Mississippi in 1830 and was the head of a family there at that time? A Yes sir.
- Q In 1830 - in Mississippi? A Yes sir.
- Q Did she go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him she wanted to stay in Mississippi, take land and become a citizen of the states? A I don't know sir.
- Q Did she or any Choctaw ancestor of yours live in that old Choctaw Nation five years after the treaty of 1830 was ratified upon land for that period of time and then receive a patent from the government for that land under article fourteen do you know? A No sir I don't know.
- Q Did she or any Choctaw ancestor of yours claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

- Q Did any of them go from the old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today?
- A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Yes sir; I don't know; I've been told so; I don't know; I've heard my mother talk about it.
- Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claim any rights under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed under various acts of Congress to hear the complaints of those Choctaw Indians who tried to register under article fourteen of the treaty of 1830 by going to Colonel Ward within six months after the ratification of the treaty of 1830 and requesting him to put their names down upon his registry list under article fourteen they were required to do this under article fourteen but Colonel Ward refused or neglected to put their names upon his list and because of his refusal or neglect those Indians - most of them who occupied land in the old Choctaw Nation had their land and improvements on that land taken from them by the government and sold at its public land sales. This caused so many complaints that these commissions were appointed in the years 1837 and 1842 and these commissions heard their complaints and made lists of all who came before them.

- Q Did any of your Choctaw ancestors go before either of these two commissions? A Not that I know of.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know that either.

This scrip were in the form of certificates and allowed the holder to select land in Mississippi Alabama Louisiana or Arkansas in place of the land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold. These certificates were issued under act of Congress approved August 23 1842.

- Q You don't know whether any of your Choctaw ancestors received any such scrip. A No sir.
- Q Do you know whether any of your relatives have been before this Commission to be identified as Mississippi Choctaws?
- A One I believe.
- Q Do you know who? A My mother's sister.
- Q Do you know what her name is? A Betsey, I believe, Betsey Williams.
- Q Has somebody by the name of Betsey Williams been before this Commission to be identified claiming through Elizabeth Smith? A Yes sir, I have her oath before a Justice of the Peace.
- Q Have you got any papers you want to file here now? A No sir.

William M. Williamson 5

Reference is here made to the case of Tempie McAllister et al
M.C.R. 2857.

Q What relation are you to Elizabeth or Betsey Williamson?
A Betsey? I'm her nephew.

This applicant is allowed twenty days from the date hereof
in which to introduce other proof if he desires to do so.

This applicant has the appearance and physical characteristics
of being descended from white parentage; has dark brown hair;
blue eyes; dark complexion; light sandy mustache; he does
not understand the Choctaw language; has no knowledge of com-
pliance on the part of his ancestors with any of the pro-
visions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being duly sworn states that she reported
the above case on the 20th day of February 1903 and that the
above and foregoing is a full true and correct transcript
of her stenographic notes of the proceedings in said case
on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 3rd day of March 1903

Charles H. Sawyer

Notary Public.

copy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M. Williamson,
et al., for identification as Mississippi Choctaws, M.C.R. 6749.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William M. Williamson for himself and his three minor children, Earl, Veray and Obadiah Williamson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elizabeth Blakely (or Blakley), nee Smith, who is alleged to have

been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth Blakely (or Blakley), nee Smith, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

-3-

William M. Williamson, Earl Williamson, Verna Williamson and Chadiah Williamson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby.
Chairman.

(SIGNED)

T. B. Needles.
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.
COMMISSIONER.

(SIGNED)

W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

AUG 4 1903

M.C.R. 6749.

COPY:

Muskogee, Indian Territory, August 4, 1903.

William M. Williamson,
Kittrell, Texas.

Dear Sir:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William M. Williamson et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Williamson, Earl Williamson, Vossy Williamson and Chadiak Williamson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered."

W.M.V.S.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Re gister

COPY.

M.C.R. 6749.

Muskogee, Indian Territory, August 4, 1903.

Manefield McMurry & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William M. Williamson et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Williamson, Earl Williamson, Versy Williamson and Obadiah Williamson, as Choctaw Indians entitled to rights in the Choctaw lands under provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

T. B. Needles.
Commissioner in Charge.

11
COPY:

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William M. Williamson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

This case refers to the consolidated case of Temple McAllister, et al., M.C.R. 2857, decision in which was rendered by the Commission January 23, 1903, and approved by the Secretary July 13, 1903.
Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

E Enc.: M.C.R. 6749.

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(COPY)

Land:

54352-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for your consideration the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of William M. Williamson for himself and his three minor children, Earl, Versy and Obadiah Williamson for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission August 4, 1903.

The testimony in this case shows that the applicants base their claim to identification under application on their descent from Elizabeth Blakely or Blakley (nee Smith) who, it is claimed was a Choctaw Indian and a resident in Mississippi in 1830 and the head of a family at that time.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made

with reference to the claim of Elizabeth Blakely or Blakley, (nee Smith) and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty, neither does it appear that she applied to either of the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of her rights, if any she had as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

CTC:LM

(COPY)

D. C. 8558

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF

I.T.D. 1802-1904.

THE
March 11, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 20, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of William M. Williamson, for himself and his three minor children, Earl, Versy and Obadiah Williamson, including your decision of August 4, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Elizabeth Blakely (or Blakley), nee Smith, it being alleged that said ancestor was a Choctaw Indian and a resident of Mississippi in 1830.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestor complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 2, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is hereby affirmed.

Respectfully,

Thos Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 6749

Muskogee, Indian Territory, April 7, 1904.

William M. Williamson,
Kittrell, Texas,

Dear Sir:

You are hereby notified that on the 11th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William M. Williamson et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on March 11, 1904 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of William M. Williamson et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

Commissioner in Charge.

William M Williamson
et al

Supplemental to
MCR 2857

Elizabeth Smith full,

↕
Mother of

Elizabeth Smith, 1/2
married
Blakely

Rhoda Blakely 1/4 Dead
married

John T. Williamson, Dead

met
6749

William M. Williamson
45. 18.
wife

Martha Williamson, L.w.

met
6749

Earl Williamson, 13

"Versy Williamson, 9

"Obadiah Williamson, 6.

6749

No.

6749

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1903

Name William M. Williamson,

Age

45

Blood

1/8

Post Office,

Kittrell, Texas,

Father:

John T. Williamson, d

Mother:

Rhoda " d

Claims through

mother 1/4 —

wife,

Martha Williamson, w. l.

No claim for wife —

Children:

Earl Williamson, 13

Verny " F. 9

Obadiah " 6

Claims for

self & 3 minors

Stenographer

Clara McChesney Wood

William M. Williams on

REFUSED.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

M. R. 1 1 1

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AKK

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

M. R. 1 1 1

REFUSED.

*This case is supplemented
to MCR 2857.*

Recd forwarded Dept

Feb 9 1913

Choctaw MCR 6750

Alfred H. Walker

MCR 6750

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 21, 1903.

6750

In the matter of the application of Alfred H. Walker for the identification of himself and his seven minor children, Joe R., Alfred Hector, Jr., Katie U., Alice L., Tom H., Mata L. and John T. Walker, as Mississippi Choctaws.

J.W. Jones attorney for applicants.

Alfred H. Walker being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alfred H. Walker.
Q What is your age? A Forty six.
Q What is your post office address? A Okolona, Mississippi.
Q How long have you lived there? A All my life.
Q You have always lived in Mississippi have you? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Joe Walker.
Q What was your mother's name? A Lottie Walker.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know.
Q Is your wife living? A Yes sir.
Q Is she a colored woman? A Yes sir.
Q What is her name? A Ella Walker.
Q Do you make any claim for your wife? A No sir, I don't.
Q What was your father's race; was he negro? A Negro.
Q Was he a slave at any time? A Yes sir.
Q Was your mother? A Yes sir.
Q And you were I presume? A yes I was.
Q Now give me the names of your children under twenty one and unmarried that you want to make application for? A Joe R. Walker 19; Alfred Hector Walker, Jr., 17; Katie U. 15; Alice L. 12; Tom H. 10; Mata L. (girl) 6; and John T. Walker, 4.
Q Is your wife Ella Walker the mother of these children? A Yes sir.
Q Are you and she living together as husband and wife and are the children living with you at your home? A Yes sir.
Q When and where were you married to her? A 27th June 1878.
Q By a minister under a license? A Yes sir.
Q At what place? A At her home; Monroe County, Mississippi.
Q Have you proof of that marriage with you now? A No sir not here.
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir; not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children
A No sir.

Q Have you ever made such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896?
A No sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever? A No sir.

Q Do you come before the Commission now to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.

Q Do you understand that article? A Not very well.

Q I will explain it now for the benefit of all. The treaty was made between the United States Government and the Choctaw tribe of Indians; an article in a treaty is one of its subdivisions or sections; a treaty was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; the object of this treaty was to remove with their consent the Choctaw Indians as a nation from that old Choctaw Nation partly in Mississippi and partly in Alabama to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaws would refuse to go to the new Choctaw Nation under the treaty, and in order to protect those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; A treaty is an agreement between two or more Nations. Article fourteen is the article under which you are claiming today and it is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors-Choctaws- comply or attempt to comply with that article fourteen of that treaty? A My great grandfather, Samuel McGee and Polly did so I heard; not that I know anything about it myself.

Q Is Polly Samuel's wife? A Yes sir.

Q How much Choctaw blood did Samuel McGee have? A Only half.

Q Choctaw blood? A Yes sir.

Q How much Choctaw blood did Polly McGee have? A She was full-blood.

Q Did they live in Mississippi in 1830 and have families there then or in Alabama? A I heard that they lived in Alabama in 1830 and were heads of families and had three children.

Q At that time? A At that time; Hannah, Levina and Humphrees; my mother told me about this.

- Q You claim through your mother Lydia? A Yes sir.
- Q And she claimed through which parent? A Her mother, Anna McGee.
- Q And did Anna McGee claim through Sam and Polly McGee? A She claimed through Polly.
- Q Didn't she claim through Samuel? A Yes, through both.
- Q Anna McGee was your grandmother? A Yes sir.
- Q The parents of Anna McGee then are your great grandparents. Do you know whether any of your Choctaw ancestors, Samuel or Anna McGee or any other went to the United States Indian agent O'X Ward and attempted to register under article fourteen of the treaty of 1830? A I heard that Samuel McGee my great grandfather and Polly McGee his wife, did; but I don't know whether they did or not.
- Q You heard that through your mother? A Yes sir.
- Q Did they register or not? A They was refused.
- Q Did either of them live on land in that old Choctaw Nation in Mississippi or Alabama for five years and then get a patent from the Government for that land? A Samuel McGee my great grandfather and Polly lived in Alabama in 1830.
- Q Well, did they live on land which they claimed under article fourteen for five years after that and then get a patent from the Government? A I don't know.
- Q Did they claim any land in old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did they any of them go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 or 1838 or 1840? A I don't know.
- Q Did they go to the Choctaw Nation Indian Territory from the old Choctaw Nation at any time between the ratification of that treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Since the time of Samuel and Polly your great grandparents, have all your ancestors lived in Mississippi? A I don't know.
- Q Have any of them lived in the Choctaw Nation Indian Territory? A No sir; not to my knowledge.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 and also in 1842 Commissions were appointed under various acts of Congress which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; the reason why these Commissions were appointed was because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 but that Col. Ward the United States Indian agent had refused to allow them to do so and because he did refuse to allow them to register the Government had taken their lands from those Indians which they occupied in the old Choctaw Nation and sold it.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any rights as Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them receive any scrip from the Government which entitled them to select land from Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their lands in the old Choctaw Nation had been taken from them and sold by Public Land Sales. Do you speak or understand the Choctaw language? A No sir.

A. H. Walker-----4

Q Have any of your relatives been before this Commission to be identified as Mississippi Choctaws? A Not to my knowledge.
Q Have you any other evidence you want to present or documents of any kind you want to give the Commission now? A No sir.
Q Is there anything further you want to say now in support of this claim? A Nothing.

Examination by Mr. Jones:

Q You say that you were born and raised in Mississippi? A Yes sir.
Q Your parents the same? A Yes sir.
Q Was your mother born in Mississippi or Alabama? A Mississippi as far as I know.
Q You claim that Samuel McGee and his wife Polly is your great grandfather and great grandmother? A Yes sir.
Q How do you claim to know that? A Through my mother.
Q You know nothing about that only from family history? A That's all.

Q Have you any relations there in Mississippi? A Yes sir.

By the Commission:

Thirty days time is allowed this applicant in which to file other proof if so desired.

This applicant has the appearance of being a full blood negro; the Commission is unable to determine the quantity of Choctaw blood if any which he has; his features are those of a negro; he does not understand the Choctaw language.

Henry G. Hains being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3 day of March 1903.

Charles D. Sawyer

Notary Public.

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Stith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and G. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Purnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J S

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY,

M.C.R. 6750

Muskogee, Indian Territory, October 31, 1903.

Alfred H. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Willie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mada L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A. H. W. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Registered.

Department of the Interior
Commission to the Five Civilized Tribes

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the case below named:

McR. 6750. Alfred H. Walker, et al

A. W. Jones
Agent for applicants.

M C R 6750

Muskogee, Indian Territory, November 12, 1903.

Alfred H. Walker,
Okolona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask what more evidence is needed in the following Mississippi Choctaw cases:

M C R 6639 Effie D. Threst, et al.,
M C R 6750 Alfred H. Walker, et al.,
M C R 6751 Tom B. Walker, et al.,
M C R 6752 John T. Walker, et al.,
M C R 6753 James W. Walker, et al.,
M C R 6754 George Walker, et al.

In reply you are informed that it appears from our records that on October 31, 1903, the Commission rendered its decision refusing the several applications included in the consolidated Mississippi Choctaw case of Samuel M. McGee, et al., of which the above named applications are a part, and on the same date the applicants were notified that they would be allowed fifteen days from the date of said decision within which to file argument in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days heretofore allowed in this case will expire on November 15, 1903. On November 16, 1903, the record in said consolidated case, together with such arguments as may be

A H W 2

offered in support thereof, will be forwarded to the Secretary of the Interior. The several applicants will be notified of such action as may be taken by him.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

M.C.R. 6750

Muskogee, Indian Territory, August 14, 1905.

Alfred H. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

67.50

No.

6750

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date H. FEB 2, 1903

Name Alfred ~~W.~~ Walker,Age 46 - Blood $\frac{3}{16}$

Post Office, Okolona, Miss.

Father: Joe Walker - d.

Mother: Lettie " b.

Claims through mother -

wife

Ella Walker - l. neg.

No claim for wife -

Children:

Joe R. Walker,	19
Alfred H. " Jr.	17
Katie U. "	15
Alice L. "	12
Jim H. "	10
Mata L. " F	6
John T. "	4

Claims for sup & children

Stenographer W. H. Hain

A MESSAGE

Alfred. H. Walker

MENT.

NOV 16 1903

ARK

1905

ACTION APPROVED BY
SECRETARY OF INTERIOR

1905

FOR THE
U. S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

NOV 11 1905

U. S. DEPARTMENTAL
RECORDS MAILED AFFIDAVIT

REF. O. M. C. R.

6869

Choctaw MCR 6751

Tom B. Walker

MCR 6751

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6751

In the matter of the application of Tom B. Walker for the identification of himself and his four minor children, Idella, Josie, Margie and Willie B. Walker, as Mississippi Choctaws.

J.W.Jones, attorney for applicants.

Tom B. Walker, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Tom B. Walker.
Q How old are you? A I am forty one years old.
Q What is your post office address? A Okelona, Mississippi.
Q Have you lived there all your life? A Yes sir.
Q What is your father's name? A Joe Walker.
Q Is he living? A No sir, dead.
Q Your mother's name is what? A Lettie Walker.
Q Is she living? A Yes sir.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A Three sixteenths.
Q How much Choctaw blood do you claim your mother had? A Three eighths.
Q Has your mother ever been recognized as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not as I know of.
Q Is your wife living? A Yes sir.
Q Is she a negro? A Yes sir.
Q What is her name? A Callie Walker.
Q You don't make any claim for her then? A No sir.
Q Was Joe Walker, your father, a slave? A Yes sir.
Q Was Lettie also? A Yes sir.
Q And you were born in slavery I guess? A Yes sir.
Q Were you all liberated by the act of emancipation during the war? A Yes sir.
Q Give me the names of your children under age and unmarried--
A Idella Walker, 18; Josie, 16; Margie, 14; and Willie B. Walker (aboy) 11.
Q You claim for yourself and these four children? A Yes sir.
Q Is your wife, Callie Walker the mother of these children? A Yes sir.
Q When and where were you married to her? A Twenty three years ago.
Q Remember the day of the month? A I don't exactly.

Q Married by a minister under a license? A Yes sir.

Q Are you living with your wife now? A Yes sir.

Q And are all these children living with you at your home? A Yes sir.

Q Is your name or are the names of any of the children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted citizenship in the Choctaw Nation with your children by any authority whatever? A No sir.

Q You want to be identified with your children as Mississippi Choctaws? A Yes sir.

Q You claim under article fourteen of the treaty of 1830? A Yes sir.

Q You understand that article, don't you? A Yes sir.

The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with that article? A I heard that my great grandfather and his wife Samuel and Polly McGee.

Q How much Choctaw blood did Samuel McGee have? A One half.

Q How much Choctaw blood did Polly McGee have? A Was a full blood.

Q Is Alfred H. Walker your brother? A Yes sir.

Q Having the same father and mother? A Yes sir.

Q He has made application to be identified today has he not?

A Yes sir.

Reference is made to his case, M.C.R. 6750 for the purpose of consolidation.

Q You heard his testimony, didn't you? A Yes sir.

Q Your knowledge and understanding of the family history and tradition is the same as his? A Yes sir.

Q Have you also heard in the family that Samuel McGee and his wife, Polly, lived in Mississippi in 1830 and had a family of three children there then? A Yes sir.

Q Have you also heard in the family that they went to Col. Ward under the treaty of 1830 and were refused? A Yes sir.

Q You never heard that they have lived on land in the old Choctaw Nation for five years and then get a patent from the Government for that land, did you? A No sir.

Q Did you ever hear that any of your Choctaw ancestors claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I did that Samuel McGee and Polly did.

Q They tried to register, is that it? A Yes sir.

Q That's what you mean by claiming lands in the old Choctaw Nation? A Yes sir.

Q You never heard that they did get any land, did you? A No sir.

Q What was their daughter's name who was your ancestor? A Anna McGee.

Q And was Anna McGee the mother of your mother, Lettie? A Yes sir.

Q Was Anna McGee a slave? A Yes sir.

A And were Samuel and Polly? A No sir.

Q How did Anna become one, do you know? A No sir. She had a negro for a husband.

Q That wouldn't make her a slave would it? A I don't know just exactly about it.

Q Are you sure Samuel and Polly McGee were not slaves? A Samuel was a half breed.

Q How do you know he wasn't a slave? A A I don't know.

Q How do you know Polly, his wife, was not? A She was a full breed.

Q How do you know she wasn't a slave? A I don't know sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840 or at any time between the ratification of the treaty of 1830 and the date of this application today? A I don't know sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q

In 1837 by an act of Congress a Commission was authorized to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose; these Commissions were appointed by various acts of Congress because of the many Choctaw Indians complaining that they had tried to register under article fourteen of the treaty of 1830 but were prevented by Col. Ward and because of this the Government had taken their land from them in the old Choctaw Nation and sold it.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of the treaty of 1830? A No sir.

Q Did either of them or any of your ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do you wish to add anything to that testimony? A No sir.

(Thirty days time is allowed this applicant in which to file other proof if he desires.)

Q Do you speak Chectaw language? A No sir.
Q Any questions, Mr. Jones? A No questions.

This applicant has the appearance of being descended from negro parentage; the Commission is unable to determine any mixture of any Chectaw blood or any other; he appears to be a negro. He does not understand the Chectaw language; he is a full brother of Alfred H. Walker- both have the same father and the same mother; parents were slaves during the war; his brother Alfred H. Walker was also a slave and this applicant was a slave.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer
Notary Public.

N C R 6750-6751
6752-6753-6757
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Stith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and S. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lee Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lankey and Elizabeth Strong, offered in support of the application made by Nelson L. Lankey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Funnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

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Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 1120
M C R 6761

Muskogee, Indian Territory, September 9, 1903.

Mrs. Mamie Mullins,

Asher, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, wherein you ask that the "roll" be examined for the name of one Tom Walker, and that you be furnished his post office address. You also ask when Mississippi Choctaws enroll.

In reply you are informed that it appears from our records that on February 21, 1903, Tom B. Walker, forty-one years of age, post office Okolona, Mississippi, made application to this Commission for the identification of himself and four minor children as Mississippi Choctaws. Up to the present time no action has been taken on his application.

It further appears from our records that on December 17, 1900, Mary Amanda Walker, age fifty, post office Bogens, Mississippi, made application to this Commission for the identification of herself and her seven minor children, Pless, Caroline, Tom, Ed, Eddie, Harriet and Jim Walker, as Mississippi Choctaws. On October 22, 1902, the Secretary of the Interior approved the decision of the Commission refusing this application.

Referring to your inquiry as to when Mississippi Choctaws

Mrs. M M 2

enroll, you are informed that it is presumed you have reference to making application for identification as a Mississippi Choctaw, and your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

COPY. M.C.R. 6751

Muskogee, Indian Territory, October 31, 1903.

Tom B. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac B. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willin Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Leu Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee; Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Meta L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

T. B. W. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Woodcock.

Commissioner in Charge.

Registered.

Department of the Interior
Commission to the Five Civilized Tribes

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the case below named:

MCR. 6751. Tom. B. Walker et al

A. W. Jones
Agent for applicants.

M.C.R. 6751

Muskogee, Indian Territory, August 14, 1905.

Tom B. Walker,

Okelona, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6751

No.

6751

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name: Tom B. Waesker

Age 41 - Blood 3/16

Post Office, Okolona, Miss.

Father: Joe Waesker - d.

Mother: Lettie " - d

Claims through mother $\frac{3}{8}$

wife.

Callie Waesker, l. neg.
 No claim for wife.

Children:

Idella Waesker, 18
^{Joie}
~~Joseph~~ " F 16
 Margie " " 14
 Willie B. " M 11

Claims for
 self & 4 minor

Stenographer

W. G. Gamm

A MISSISSIPPI CHOCOTAW.

Tom. B. Walker &

U.S. DEPARTMENT,

NO. 1 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARD TO THE SECRETARY OF THE INTERIOR

FOR THE SECRETARY OF THE INTERIOR

U.S. DEPARTMENTAL
OFFICE OF THE SECRETARY

REFER TO M.C.R.

6809

Choctaw MCR 6752

John T. Walker

MCR 6752

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6752

In the matter of the application of John T. Walker for the identification of himself and his four minor children, Tommie, Sarah, Irene G., and Earl L. Walker, as Mississippi Choctaws.

J.W.Jones, for applicants.

John T. Walker being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John T. Walker.
Q What is your age? A About 38 years old.
Q What is your post office address? A Okolena, Mississippi.
Q Have you always lived there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Joe Walker.
Q Is your mother living? A Yes sir.
Q What is her name? A Lettie Walker.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A Three sixteenths.
Q How much do you claim your mother has? A Three eighths.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I knew of.
Q Were your father and mother slaves? A Yes sir.
Q Were you? A I don't remember whether I was or not.
Q Were you born before or after the emancipation? A I was born in 1864.
Q Is your wife living? A Yes sir.
Q What is her race? A Negro.
Q What is her name? A Della Walker.
Q Have you children by two wives? A Yes sir.
Q Is Della Walker the first or second wife? A Second wife.
Q What is your first wife's name? A Mary Crawford; maiden name.
Q Is she dead? A Yes sir.
Q Was she negro? A Yes sir.
Q Is your second wife, Della, living? A Yes sir.
Q Have you any children by your first wife, Mary? A Yes, two.
Q What are their names? A Tommie (boy) sixteen; Sarah fourteen.
Q Have you any children by your second wife? A Yes; two.
Q What is the name of the oldest? A Irene G., 7 years old; Earl L. (boy)-- 5.
Q Is that all? A Yes sir.
Q When were you married to your first wife, Mary Walker? A In 1886 6th January.

- Q At what place? A At her home in Monroe County.
Q By a minister under a license? A Yes sir.
Q When were you married to your second wife? A Ten years the 15th of this May.
Q By a minister under a license? A Yes sir.
Q Where? A Okalona, Mississippi.
Q Have you proof of that marriage here? A No sir.
Q Were you married to her by a minister? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q Want to be identified with them as Mississippi Choctaws?
A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A Yes, from what's explained.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article fourteen of the treaty? A I heard that they did; but I don't know myself. I heard from my mother.
Q What are the names of your ancestors that you claim through now? A Samuel and his wife Polly McGee.
Q What relation were they to you? A My great grandparents.
Q How much Choctaw blood did Samuel have? A A half.
Q How much did Polly his wife have? A Whole.
Q Did they live in Mississippi in 1830 and have a family there then? A I think so.
Q Do you know how many children they had in Mississippi? A Three.
Q What are their names? A Hannah, Levina and Umphress.
Q Was their daughter, Anna, your grandmother? A Yes sir.
Q Was she the mother of Lettie Walker? A Yes, I expect so.
Q Were Samuel and Polly McGee slaves? A Not that I know of.
Q Did they go to Col. Ward and try to register under article fourteen of the treaty of 1830 within six months after it was ratified?
A I heard through my mother they did; I don't know.

J.T.W.----3

Q Did they live on land in the old Choctaw Nation in Mississippi or Alabama for five years after the ratification of the treaty of 1830 and then get a patent to that land? A I don't know.

Q Did they claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know sir.

Q Did they or any Choctaw ancestors of yours go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.

Q Did any of them own any improvements on lands in the old Choctaw Nation in 1830? A Not as I know of.

Q Is Alfred H. Walker your brother having the same father and mother? A Yes sir.

His case, M.C.R. 6750, is here referred to for the purpose of consolidation.

T.B.Walker---6751-- is also your brother? A Yes sir.

Q You heard their testimony, did you? A Yes sir.

Q Do you care to add to their testimony in any way or change it? A No sir.

Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved August 23, 1842 or one in March 3, 1837 and claim any rights under article fourteen of the treaty of 1830? A I heard that they did; I don't know myself.

Q Before which Commission did they go? A I don't know sir.

Q Now, these Commissions were appointed some years after the time Col. Ward heard applicants who desired to register under article fourteen of the treaty of 1830. You claim your ancestor, Samuel McGee, went to Col. Ward and tried to register. A Yes sir.

Q Now, your brother in his testimony said he didn't know about any ancestor going to the Commissions of 1837 or 1842; do you know anything about that? A I didn't understand it that way; I thought you had reference to 1830.

Q Well, now that you understand it, how would you answer that?

A I don't know.

Q Did any of your ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know sir.

Q This scrip was issued under the act approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their lands in old Choctaw Nation had been taken from them by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.

Q Have you any other proof or evidence of any kind that you want to present to this Commission? A No sir.

Thirty days time is allowed this applicant to introduce other proof in this case.

Q Examination by Mr. Jones:

Q Walker, when you answered that question you meant that you heard they went to Ward in 1830? A Yes sir.

Q That is your understanding? A Yes sir.

Q You didn't mean to say that he went in 1837 or 1842? A No sir.

Q You don't know anything about that? A No sir.

J.T.W.-----4

By Commission:

This applicant has the appearance of a full blood negro; his parents were slaves; he does not understand the Choctaw language nor speak it.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6750-6751
0752-6753-6757
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. O. Sims, and certified copy of marriage record between A. H. Walker and Ella Smith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and S. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Purnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J 2

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 6752

Muskogee, Indian Territory, October 31, 1903.

John T. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac B. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Leu Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Winnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Willie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie B. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Fattie U. Walker, Alice L. Walker, Tom H. Walker, Meta L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tennie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Edna B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl E. Brown, James R. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willie Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. T. W. - 8

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED).

F. D. Needles.

Commissioner in Charge.

Registered.

Department of the Interior
Commission to the Five Civilized Tribes

Mustagee, Indian Territory, November 9, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the case below named:

MCR. 6752. John. J. Walker, et al

A. W. Jones
Agent for applicants.

M.C.R. 6752

Muskogee, Indian Territory, August 14, 1905

John T. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee, et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner,

(752

No.

6752

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 21 1903

Date

Name

John T. Walster.

Age

38

Blood

3/16

Post Office

Okolona, Miss.

Father:

Joe Walster. { d

Mother:

Lettie " { l

Claims through

mother, $\frac{3}{8}$

Wife - (1) Mary Walster, (d) neg

" (2) Della Walster, l. neg.

Children:

Tommye Walster, M. 16

Sarah " 14

about 2 children by .

1st wife -

Irene G. Walster. 7

Earl L. " 5

Last 2 children by

2nd wife -

Claims for self &

4 minors

Stenographer

W. H. Hamlin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John. J. Walker

RECEIVED DEPARTMENT,
NOV 16 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG - 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS:

AUG 14 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

AUG 17 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

REFER TO M. O. R.

6809

Choctaw MCR 6753

James W. Walker

MCR 6753

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE? I.T. FEB. 27, 1903.

6753

In the matter of the application of James W. Walker for the identification of himself and his two minor children, Daisy and Robert Walker, as Mississippi Choctaws.

J.W. Jones, for applicants.

James W. Walker, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James W. Walker.
Q What is your age? A Thirty.
Q What is your post office address? A Okolona, Mississippi.
Q Have you always lived in Mississippi? A Yes, sir, in Okolona.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Joe Walker.
Q What is your mother's name? A Lettie Walker.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q Is your mother three eighths? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Is she a negro? A Yes sir.
Q What is her name? A Mary Lou Walker.
Q Do you make any claim for her? A No sir.
Q Your parents were slaves were they? A Yes sir.
Q They were liberated by the act of emancipation? A Yes sir.
Q How many children have you? A Two, Daisy 5, and Robert, 2.
Q You claim for yourself and these two? A Yes sir.
Q Is Alfred H. Walker your brother having the same parents? A Yes sir.
Q Do you want to have your case consolidated with his? A Yes sir.

His case M.C.R. 6753-- is referred to for consolidation.

- Q Your brothers Tom W. and John T. also have made application today? A Yes sir.
Q You heard the testimony of these brothers didn't you? A Yes sir.
Q Is your testimony the same--your knowledge of the facts the same? A Yes sir.
Q You have nothing to add to it? A No sir.
Q Is your wife Mary Lou Walker the mother of these two children? A Yes sir.
Q Have you proof of your marriage to your wife here with you now? A No sir.

J.W.Walker----2

Q What day of the month and year were you married to her?

A I don't know exactly; it was between seven and eight years; I don't know the month.

Q Married by a minister under a license? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Do you want to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

Q It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article? A No sir.

Q What was the name of your ancestor or ancestors you claim through now? A Polly and Samuel McGee.

Q Husband and wife? A Yes sir.

Q How much Choctaw blood did Samuel McGee have? A A half.

Q Polly had how much? A Whole.

Q Did they live in Mississippi in 1830 and have a family there then? A Yes sir.

Q How do you know they lived in Mississippi in 1830? A Mother told me so.

Q Did they go to Col. Ward within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of that treaty? A Yes sir.

Q Do you know whether they were slaves at any time? A No sir.

Q You don't know; do you know anything about that? A No sir.

Q Did they register under Col. Ward or did they simply try to?

A They tried; they didn't register.

Q Did they ever live on land in the old Choctaw Nation in Mississippi for five years and get a patent to it? A No sir.

Q Did they claim any land under article fourteen of the treaty of 1830? A Yes sir.

Q Well, how did they claim it; by going to Col. Ward and trying to register? A Yes sir.

Q That's the only way in which they did? A Yes sir.

J.W.Walker-----5

- Q Do you claim through their daughter Anna? A Yes sir.
Q That was your grandmother, was it? A Yes sir.
Q What was her full name? A Anna McGee.
Q Whom did she marry? A Jack Cole; a negre.
Q Slave? A Not that I know of.
Q Was Anna McGee or Anna Cole a slave? A Not as I know of.
Q Didn't one of your brothers testify that she was a slave? A Yes sir.
Q Now what do you think about it? A Yes sir.
Q She was one? A Yes sir.
Q Washer husband, Cole, a slave? A Yes sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today?
A No sir.
Q None of them left Mississippi and went to the Choctaw Nation Indian Territory? A Not as I know.
Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q So, did any of them go before the Commission appointed by an act of Congress approved March 3, 1837 or one of August 23, 1842, and claim any benefits under article fourteen of the treaty of 1830? A Not as I know.
Q You heard my explanation to your brothers of these Commissions?
A Yes sir.
Q And you understand why they were appointed? A Yes sir.
Q You also heard me explain to your brothers three or four times about scrip that was issued under the act of August 23, 1842?
A Yes sir.
Q Did any of your ancestors get scrip? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did Samuel McGee talk Choctaw? A I don't know.
Q Did Polly, his wife? A I don't know.
Q Didn't you know them personally? A No sir.
Q They died before you came on earth? A Yes sir.

Thirty days time is allowed this applicant to file further proof if he desires.

Examination by Mr. Jones:

- Q You stated a moment ago that Anna McGee was a slave; do you know it to be a fact that she was? A No sir.
Q Well, why did you say so? 'Cause you supposed she was? A Yes sir.
Q You don't know anything about her being a slave? A No sir.
Q You knew nothing about the case at all only what you heard through family history? A Yes sir.

By the Commission:

This applicant has the appearance of being a negre; he does not understand the Choctaw language; his parents were slaves at one time.
time.

J.W.Walker---4

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3 day of March, 1903.

Charles H. Sawyer

Notary Public.

H C R 6750-6751
6752-6753-6757
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Stith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and E. M. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Funnell, offered in support of the application made by Isaac E. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J 2

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 6753

Muskogee, Indian Territory, October 31, 1903.

James W. Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6780
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John W. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Meta L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. W. W. - 8

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior
Commission to the Five Civilized Tribes

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the case below named:

MCR. 6753. James W. Walker et al

A. V. Jones
Agent for applicants.

M.C.R. 6753

Muskogee, Indian Territory, August 14, 1905.

James W. Walker,
Okolona, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6753

No.

6753

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name James M. Waack

Age 30 - Blood $\frac{3}{16}$

Post Office, Okolona, Miss.

Father: Joe Waack d

Mother: Lettie l

Claims through mother $\frac{3}{8}$

wife.

Mary Lou Waack l. neg
No claim for wife -

Children:

Daisy Waack 5

Robert " 2

Claims for neg 2
2 minus

Stenographer H. G. Hains

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

James W. Walker

DEPARTMENT,

NO. 10 1805

ACTION APPROVED BY
SECRETARY OF INTERIOR.

1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDING TO THE CHOCTAW
AND MISSISSIPPI CHOCTAW

AUG 10 1905

AUG 1

NOTICE OF DEPARTMENTAL
ACTION MAY BE APPLICANT.

AUG 1 1905

REFER TO M. C. R. 6809

Choctaw MCR 6754

George Walker

MCR 6754

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6754

In the matter of the application of George Walker for identification as a Mississippi Choctaw.

J.W.Jones, for applicants

George Walker being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George Walker.
Q What is your age? A Twenty one.
Q What is your post office address? A Okolona, Mississippi.
Q Have you always lived there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Joe Walker.
Q What is your mother's name? A Lettie Walker.
Q Do you claim through your mother? A Yes sir.
Q How much do you claim? A Three sixteenths.
Q You claim that she was three eights Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory? A Not that I know of.
Q Are you single? A Yes sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you want to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or her."

ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of that treaty? A Not as I know of.

Q Who do you claim your Choctaw blood through? A My mother.

Q F-- Going back as far as you can? A I heard that Samuel and his wife, Polly McGee did.

Q What relation was Samuel to you? A Great grandfather.

Q And Polly your great grandmother? A Yes sir.

Q Was Samuel a Choctaw Indian? A He was a half.

Q How much was Polly? A Full blood.

Q You heard your brothers testify didn't you? A Yes sir.

Q And Alfred H. Walker- you heard his testimony? A Yes sir.

Q He is your oldest brother? A Yes sir.

Q Is your testimony the same as your brothers' who have testified? A Yes sir.

Q You want your case considered under the head of your brothers' Alfred H. Walker, et al., M.C.R. 6750? A Yes sir.

It is referred to for consolidation.

Q Tom B., John T. and James W. Walker are your brothers? A Yes sir.

Q You all have the same father and mother? A Yes sir.

Q Did your mother, Lettie, claim through her mother, Anna Cole? A Yes sir.

Q Her maiden name was Anna McGee? A Yes sir.

Q Was she a slave at any time? A Not as I knew of. I heard she was.

Q When did you hear that your grandmother, Anna Cole, was a slave? A I have heard it several times.

Q Do you know if your great grandparents, Samuel and Polly McGee, went to Colonel Ward the United States Indian Agent within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States? Did you ever hear that? A No sir.

Q Did they live on land in the old Choctaw Nation there in Mississippi or Alabama for the period of five years after the treaty of 1830 was ratified and then get a deed or patent from the Government for that land? A Not as I know of.

Q Did either of them or any Choctaw ancestor of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838, or 1840? A Not that I know of.

Q Did they go at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.

Geo. Walker----3

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I knew of.

Q Did any of them go to a Commission of 1837 appointed by an act of Congress of March 3, that year, or before one of August 23, 1842, which Commissions were appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830? A Not that I know of.

Q These Commissions were appointed to hear claimants who stated that they had gone to Col. Ward within six months after the treaty of 1830 was ratified and attempted to register under article fourteen of that treaty but had been prevented by him and as a result had lost their land; it had been taken from them by the Government and sold at Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I knew.

Q This scrip was issued under an act approved August 23, 1842; you heard my explanation about it to your brothers didn't you?

A Yes sir.

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you any other evidence you want to present now? A No sir

Thirty days time is allowed this applicant in which to offer further proof if he desires.

Examination by Mr. Jones:

Q Walker, you don't know much about this case at all, do you? A No sir.

Q You state that you heard that Anna McGee;-- that's your grandmother? A Yes sir.

Q --was a slave? A Yes sir.

Q When did you hear that? A Several times.

Q You don't know whether it is a fact or not? A No sir.

Q Did you ever hear your mother say it? A No sir.

Q That's all.

By the Commission:

This applicant has the appearance of being a negro; acts and talks like one; if he has any Choctaw blood it is not apparent; claims his father and mother were slaves and also Anna Cole or McGee he says was a slave. He does not speak or understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 3 day of March, 1903.

Charles H. Hains

Notary Public.

COPY. M.C.R. 6754

Muskogee, Indian Territory, October 31, 1903.

George Walker,

Okolona, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

G. W. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

MCR. 6754. *George Walker*

W. A. Jones
Agent for applicants.

M.C.R. 6754

Muskogee, Indian Territory, August 14, 1903.

George Walker,

Okelona, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner,

6754

No.

6754

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 21 1903

Date

Name *George Walker*

Age *21-*

Blood $\frac{3}{16}$

Post Office, *Okolona, Miss.*

Father: *Joe Walker* d

Mother: *Lettie* " l.

Claims through *mother* $\frac{3}{8}$

Children:

Claims for red

Stenographer

H. L. 7 Davis

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R.67

George Walker

GOVERNMENT.

NOV 16 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR

RECEIVED
FOR CHOCTAW
AND CHICKSAW NATIONS.

406-

AUG 12 1904

REFER TO M. C. R. 6809

Choctaw MCR 6755

Willis C. Jones

MCR 6755

Interior Department.
Before the Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

In the matter of Willis C. Jones, No at al., consolidated,
applicants for identification ~~for~~ as Mississippi Choctaws.

Application is hereby made for commission to take the deposition
of Esther Johnson
~~of Esther Johnson~~, of Wiggs, Arkansas, to read as evidence in the

~~above named case~~
above named case, under rules promulgated by this Commission.

Willis C. Jones, one of the above named applicants, says that the
deponent, Esther Johnson, is not a resident of the State of ~~Mississippi~~
Mississippi or the Indian Territory; that she is old and unable to
to undergo the hardships incident to a long journey.

He says that he expects to prove the following facts by said
witness, and that he verily believes that are true:

That deponent is at this time 100 years old; that she resided in
the Old Choctaw Nation, in Mississippi, in 1830, and that she was
well acquainted with Rebecca Jones, nee Bop or Box, and with
Robert Jones and Willis Jones and other members of the Jones
family, in the Old Choctaw Nation in 1830; that the said Rebecca
was one half Choctaw Indian, and that she and her children were
recognized members of the Choctaw Tribe of Indians.

That the said Robert had improvements in the Old Choctaw Nation,
in 1830, that said improvements consisted of a dwelling ~~house~~
house, a barn and cleared lands; that the husband of Rebecca Jones
~~nee Bop or Box~~, was named William Jones and that he had improvements
in the Old Choctaw Nation in 1830; that the said Robert was a
married man and head of a family in 1830, and that the said
Willis married in the spring of 1830.

He says that he expects to show by this witness that Robert

Jones did make application before Col. William Ward, and did register before him, under article 14 of the Treaty of Dancing Rabbit Creek, and that the said Robert Jones was living upon his land that he had improved at the time he made the above named application and registration; that in the summer of 1831, while Robert Jones was still living upon the lands aforesaid and improving and cultivating the same with the intention of making that his future permanent home, Willis Jones a brother of the said Robert became imbroiled in a difficulty with the Indians and killed a full blood Indian and that the Indians became so much enraged at this act that they threatened to kill out the entire Jones family and that Robert Jones had to abandon his lands to save the lives of himself and family; that the Indians in per-
~~suit~~ suit of Willis Jones, burned the house of Robert Jones and destroyed all of his effects, and they tore down his fence and let the stock eat up his crop; that the said Robert Jones was kept away from his lands for some time and when he went back to take possession of his home the U.S. Government had let some one else have it. That deponent will state many other facts material to applicants' case herein.

Willis C. Jones being Sworn says that he is an applicant in the above named case and that the facts set out as being the facts which will be supported by the testimony of the above named deponent and that he same are true to the best of his knowledge and belief.

Sworn to before me this the 22 day of June, 1903.

Edgar H. Burrage
Notary Public.

TO THE HON. COMMISSION TO THE
FIVE CIVILIZED TRIBES.

Muskogee, Indian Ter.

In matter of the application of Villie C. Jones for himself, and Arthur W. Jones for himself and five minor children for identification as Mississippi Choctaws - cases No. 6755 and 6756 consolidated -

Application is hereby made, under Rules One and Two, promulgated by said Commission, for the taking of depositions in such cases, for commission to take depositions of witnesses herein after named.

Applicant (Arthur W. Jones) states, that all of said witnesses are non-residents of the Indian Territory and of the state of Mississippi.

He further states, that Villie C. Jones and himself (Arthur W. Jones) have personally (in the foregoing styled consolidated cases) made application to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws; that the testimony of the witnesses (herein after named) is material to their claims herein;

That the witnesses are as follows: Mary Jones, residing near New Hope, Arkansas.

Applicant expects to prove (by said Mary Jones) that she was Seventeen years of age at the time of the ratification of the Treaty of Dancing Rabbit, between the United States and the Choctaw Nation, on the 24th day of February 1831; that at the said time, said Mary Jones lived in the Choctaw Nation in Mississippi, and was acquainted with Robert Jones and Rebecca Jones nee Box, or Box; that said Robert Jones was the father of Villie C. Jones and the grandfather of Arthur W. Jones, applicants in the foregoing consolidated cases; that said Rebecca Jones nee Box or Box was a half-breed Choctaw Indian, and

the said Robert Jones was her son, and that he was a quarter-breed Choctaw Indian; that within a few weeks after the ratification of the Treaty, aforesaid, the said Robert Jones, then being the head of a family, residing in the Choctaw Nation of Mississippi, made application to the Indian Agent (Vard), under the provisions of Article 14 of the Treaty, for enrollment as a Choctaw Indian, and for permission to take up land in said Nation under the provision of said Article 14 of the Treaty; and that said Agent Vard did give to the said Robert Jones a "paper of enrollment"; and that he (the said Robert Jones) did take and occupied certain lands in the Choctaw Nation of Mississippi, under and by virtue of the provisions of said Article Fourteen of said Treaty, and by authority of the papers issued to him by the Agent (Vard); that within a few months after (and in the summer of 1931) the locating and actual occupancy of said land by said Robert Jones, under and by virtue of the authority aforesaid, Willis O. Jones (a brother of said Robert Jones and who was, at said time, the husband of deponent) had the misfortune to kill a Choctaw Indian, and as a result of said killing, the Jones family became involved in serious trouble with a number of Choctaw Indians in that vicinity, who burned the house of Robert Jones and all his effects, including all papers and documents which were issued to him by Agent Vard, and compelled him, the said Robert Jones, to flee the country; and that said Robert Jones did not return to and re-possess said land, and never received a patent to any land in the Choctaw Nation of Mississippi, nor made any subsequent effort to secure enrollment as a Mississippi Choctaw, or take said land aforesaid. And that said witness will state other facts material to applicants cause herein.

John H. Jones of Amity, Arkansas;

Second, That he expects to prove by said John H. Jones, that he (John H. Jones) is a man of sixty-nine years of age; that he knew Robert Jones (the Grandfather of the aforesaid Arthur W. Jones and the father of Willis O. Jones) Fifty-five years ago, and that he also knew Rebecca Jones (nee Rebecca Bep, or Box) at the time he first knew said Robert Jones; that he formed the acquaintance of said Robert Jones and Rebecca Jones when he first moved to Arkansas; that he was acquainted with all of the members of the family of said Robert Jones; that he (Robert Jones), more than Fifty years ago, told said John H. Jones that he (Robert Jones) was a quarter-breed Choctaw Indian, and that he had resided in the Choctaw Nation, Mississippi, in 1830 and 1831, and that he had there, under Agent Ward, enrolled himself and family before Agent Ward as a Choctaw Indian, and had received from said Agent Ward papers of such enrollment, which permitted him (under the Fourteenth Article of the Treaty of 1830 - known as the Treaty of Dancing Rabbit Creek) to take up lands for himself and family in the Choctaw Nation, Mississippi; and that he (Robert Jones) had taken up and occupied a body of land in said Nation, and state, immediately following his application for enrollment, i.e., in the early part of 1831, and occupied said land for some time, until, because of trouble between his family and the Choctaw Indians - growing out of the killing of a Choctaw Indian by Willis O. Jones (a brother of said Robert Jones), the entire Jones family were compelled to leave that part of the country, and that the Indians burned the house of said Robert Jones, destroyed all of his house-hold effects, including the papers issued to him by said Agent Ward - showing his enrollment as a Choctaw Indian and his compliance with the provisions of Article Fourteen of said Treaty of 1830; and that he (Robert Jones) and his wife often, after deponent became acquainted with them, made similar statements to him about their Indian Blood, and their rights in the Choctaw Nation,

and their efforts to comply with the provisions of said Treaty of 1830.

And that deponent will state other facts material to applicant's cause herein.

Adeline VWhitlock of Hot Springs, Arkansas.

Third, That by said Adeline VWhitlock, who resides at Hot Springs, Arkansas, applicant expects to prove, that, she (Adeline VWhitlock) is Seventy-three years of age; and that she knew Rebecca Jones (nee Rebecca Bop or Box) and Robert Jones, who was the son of Rebecca Jones (nee Bop or Box) more than Fifty years ago; that she was well acquainted with the family of Robert Jones, and lived near neighbor to them in Arkansas; that Rebecca Jones (nee Bop) told her, more than Fifty years ago, that she was one-half Choctaw Indian, and that she resided in the Choctaw Nation in Mississippi (in 1830) at the time the Treaty of Dancing Rabbit Creek was concluded between the Choctaw Nation and the United States Government; that she has been told, more than fifty years ago, by Rebecca Jones (nee Bop or Box), and also by Malinda Jones (wife of Robert Jones), that the said Robert Jones made application to Colonel VVard (the then Indian Agent) for permission to select and settle land, under Article Fourteen of the Treaty of 1830, and that the said VVard issued to Robert Jones papers of enrollment, authorizing him to select and settle, under Article Fourteen of said Treaty; that she (the said Robert Jones) did, by virtue of said papers of enrollment, select and settle land in the Choctaw Nation in Mississippi in the Spring of 1831; that in the summer of 1831, and after the said Robert Jones had selected and settled upon the land aforesaid, VWillie G. Jones (a brother of said Robert Jones) got into a serious difficulty with the Indians, and killed a Full-blood Choctaw; that on account of this killing, the Indians became so enraged at the Jones family that the said Robert Jones and his family had to abandon and leave the lands taken up by virtue of said papers aforesaid; that the said Robert Jones did not go back upon his lands or re-possess it

because he was afraid of the Indians, whose actions showed that they would kill him.

Green B. Whitlock of Hot Springs, Arkansas.

Fourth, Applicant expects to prove by the said Green B. Whitlock, that, he (the said Green B. Whitlock) is seventy-five years of age, and can substantiate the testimony set forth by said Adeline Whitlock.

_____ Elder of Sulphur, Montgomery Co., Ark.

Fifth, That by one _____ Elder, who resides near Sulphur, Montgomery, Arkansas, applicant expects to prove that he (the said _____ Elder) was residing in the Choctaw Nation in Mississippi in 1831, and knew the said Robert Jones, and the said Rebecca Jones (nee Rebecca Bop or Box) and others of the Jones Family; that the said Robert Jones was, in the Spring of 1831, living and residing upon lands in the Choctaw Nation, and that the said _____ Elder was informed and understood at that time that the said Robert Jones took the land, by virtue of ^{the papers of ~~the said Robert Jones~~} ~~the said Robert Jones~~ issued to him by Colonel Vveri, the Indian Agent, under and by virtue of Article Fourteen of the Treaty of 1830; that in the summer of 1831, Willis C. Jones (brother of the said Robert Jones) killed an Indian in the Choctaw Nation, and in the immediate neighborhood in which the said Robert Jones had selected and settled land; that the Indians became so enraged at the Jones family, because of this killing, that the said Robert Jones and others of the Jones family had to abandon and to leave their home; that the said Robert Jones ~~did not~~ subsequently go back or re-possess himself of said lands, because he was afraid the Indians would kill him. Applicant believes the facts, set out as being the substance of the evidence of said witnesses, to be true. And same being material to his application herein, asks for a commission to take depositions of said witnesses.

Subscribed and sworn to before me this 23 day of July, 1904.

For Wm Jones
Grace Miller
Notary Public.

C O P Y

Department of the Interior.

Before the Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

In the Matter of Willis C. Jones, Mo.
et al, consolidated, applicants for
identification as
Mississippi Choctaws, etc.

Comes Willis C. Jones, who has personally made application for identification as a Mississippi Choctaw in the above styled consolidated cases, and moves the Commission for an extension of time to the First day of June 1903, in which to procure proof of said cases, and states for cause, that M. S. Cobb, one of the Attorneys of record in said cases, has been for three weeks, and is now, by reason of physical disability, unable to give attention to said matter, and it will be impracticable without his assistance, to proceed with the procuring or taking of the testimony in said cases, and making the proper preparation for the trial of said cases.

Willis C. Jones.

Sworn to before the undersigned Notary Public within and for the County of Garland, in the State of Arkansas,

In witness whereof I have hereunto set my hand and official seal, at Office in said County, and State, this 20 day of April 1903.

Edgar H. Burroughs

(SEAL)

Notary Public as aforesaid.

My Commission expires Feb. 5th 1907.

C O P Y

State of Arkansas,
County of Garland.

I S. H. Cardwell, a regular practicing Physician, and residing in Garland County, Arkansas, do certify that I am well acquainted with M. S. Cobb, Esq'r, and that I have examined and prescribed for him, and know his present physical condition, and I know that at present he is physically unable to attend to business, and has been to my knowledge for the past two weeks.

This 20th day of April 1903.

S. H. Cardwell M. D.

No. ----- (M.C.R.)

~~Willis C. Jones et al.~~

Willis C. Jones et al.

Motion for time in which to present
present proof.

Department of the Interior.

Before the Commission of the
Five Civilized Tribes,
Muskogee, Indian Territory.

In the Matter of Willis C. Jones, No.

et al, consolidated, applicants for
identification as
Mississippi Choctaws, &c.

Comes Willis C. Jones, who has personally made application
for identification as a Mississippi Choctaw in the above
styled Consolidated cases, and moves the Commission for an
extension of time to the First day of June 1903, in which to
procure proof of said cases, and states for cause, that M.S. Cobb,
one of the Attorneys of record in said cases, has been for three
weeks, and is now, by reason of physical disability, unable
to give attention to said matter, and it will be impracticable
without his assistance, to proceed with the procuring or taking
of the testimony in ~~said~~ said cases, and making the
proper preparation for the trial of said cases.

Willis C. Jones

Sworn to before the undersigned Notary Public within and for
the County of Garland, in the State of Arkansas,

In witness whereof I have hereunto set my hand and official
seal, at Office in said County, and State, this 30 day of
April 1903.

Commission expires Feb. 5th 1907.

Edgar H. Burroughs
Notary Public as aforesaid.

No.------(M.C.R.)

Mary Davis, et al.

Motion for time in which

to present proof

Physician's Certificate.

State of Arkansas,
County of Garland.

I *S M Cardwell* a regular practicing
Physician, and residing in Garland County, Arkansas, do certify
that I am well acquainted with M. S. Cobb, Esq'r, and that I have
examined and prescribed for him, and know his present
physical condition, and I know that at present he is physically
unable to attend to business, and has been to my knowledge for
the past two weeks.

This 20th day of April 1903.

S M Cardwell M.D.

Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter.

In Re. Application of Willis C. Jones, et als, for identification
as Mississippi Choctaws, M. C. R. #6755.

Richard A. Jones, one of the above named applicants, ~~###~~ hereby makes application for commission to take depositions of Ed Hill and Esther Johnson, to be used in support of said application and states that said Ed Hill and ~~Esther Johnson~~ are not residents of the state of Mississippi or the Indian Territory. That said Ed Hill resides near Cado Gap, in the State of Arkansas, and said ~~Esther Johnson~~ ~~resides near Hot Springs, in said state.~~ That they are both very old persons and not able to ~~###~~ under go the hardships incident to a long journey. That applicant expects to prove the following facts each of said witnesses, which he verily believes to be true.

That said Ed Hill is 93 years of age, that he resided in the old Choctaw Nation in Miss. in 1830 and was then well acquainted with Rebecca Jones, nee Bop or Box and with ~~the~~
~~William Jones her sons,~~ and other members of her family in the old Choctaw Nation, in Miss. That said Rebecca Jones was one half Choctaw Indian and that she and her children were recognized by the Choctaw officials as members of that tribe of Indians. That said Robert Jones was the head of a family in 1830 in the old Choctaw Nation in Miss., and at that time had improvements on lands in said Nation consisting of a dwelling house a barn cleared land and fence inclosing same. That the husband of Rebecca Jones, nee Bop or Box was William Jones and had improvements on land in the old Choctaw Nation in Miss. in 1830 which he held for his wife and minor children who were recognized members of the Choctaw tribe of Indians. That Willis Jones, brother of Robert Jones married in the Spring of 1830 in the old Choctaw Nation, in Miss. That witness Hill lived very near Robert Jones in the old Choctaw Nation in Miss. in 1830 and knows that said Robert Jones did make application to Col. William Ward, the U. S. Indian Agent and did register before him the names of himself and minor children under Art. 14 of the Treaty of Dancing Rabbit Creek, and that said Robert Jones was then living upon the lands that he had improved

at the time he made the above mentioned application and registration;

That said witness was with said Robert Jones at the time he made said application and registered before said Col. William Ward, as aforesaid. That some little time after said registration by said ~~Ward~~ Robert Jones, Willis Jones his brother became involved in a difficulty ~~#~~ with a full blood Choctaw Indian which resulted in the death of the Indian, the Indian became very much enraged at this and threatened to kill out the Jones family. At this time Robert Jones was living on the land he had improved and which he was occupying at the time he registered before said Ward, and was cultivating the same with the ~~#~~ intention of making it his permanent home, he having stated to said Ward, Indian Agent that he wished to remain in Miss. and take land under the provisions of said Art. 14. of said Treaty of Dancing Rabbit Creek, but because of the anger of the full blood Indians he Robert Jones, to save the lives of himself and family had to abandon his home and improvements and leave the country and his house and all his effects were destroyed by fire by the Indians. That said Robert Jones remained away for quite awhile and on returning to take possession of his land found that the U. S. Government had permitted some other persons to take up his land.

That said witness will testify to many other facts material to affiant's cause herein. Affiant expects to prove by the witness ~~#~~ Esther Johnson that she is 104 years old and lives in the old Choctaw Nation, in Miss. in 1830, knew Robert Jones and his family, and that she will testify to substantially the same facts that he expects to prove the witness Ed Hill and herein above set out, all of which affiant believes to be true.

Subscribed and sworn to before me this 8 day of July, 1903,

Richard A. Jones
C. M. Jones

Notary Public.

Willis C. Jones No.

et al

M.C.R.

Affidavit of Dr. Slight in
support of a motion taxx for
an extention of time in which
to get in more proof.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1903


CHAIRMAN.

State of Arkansas

County of Garland.

Dr. *J. L.* Slaight being duly sworn says:

I am a regular practicing physician and am practicing under the laws of the State of Arkansas. I know Mr. M. S. Cobb. I was call in consultation with Dr. *J. H.* Cardwell to see Mrs. M. S. Cobb

whom we found to be suffering from *Pneumonia*

I know that it would have been impracticable and unreasonable to have expected Mr. Cobb to leave his wife for any time. Mrs. Cobb was in imminent danger for several days. It would have been unreasonable to have expected Mr. Cobb to leave his wife for any time.

John L. Slaight M.D.

Sworn to before me this the 3 day of June, 1903.

My Comm. expires Feb. 5, 1907

Edgar W. Burroughs
Notary public.

Willis C. Jones No-----et al
M.C.R.—

Affidavit of Dr. S. V. Cardwell
in support of a motion ~~as~~ for a
continuance of time in which to get
get in more evidence.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE CIVILIZED TRIBES.

JUL 7 903

CHAIRMAN.

State of Arkansas
County of Garland.

OK Cardwell first being duly sworn says :-
I know M. J. Cobb and family. I am his family physician and have recently, attended upon his wife who had Lagrippe which developed into Pneumonia. Mrs Cobb was taken down about the first of May 1903, and was in a condition that it would have been unreasonable to have expected Mr. Cobb to leave her for any time - in fact I know of my own knowledge that he did not leave the house for 10 days. Mrs. Cobb was in such imminent danger of her life that I had Dr. Slaughter called in consultation.

I am a regular practicing physician and am licensed by the State of Ark. I again say that it would have been unreasonable to have expected Mr. M. J. Cobb to have left his wife for any time, from the first of May till toward the latter part of May 1903.

E. H. Cardwell -----M.D.

Sworn to before me this the

day of June, 1903.

My Comm. expires

Edgar H. Burroughs

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE F. & M. L. S. S.

FILE

JUN 2 1903

Willis C. Jones
et al. # 6755,
M. C. R.

Motion for
Extension of time
in which to present
Additional evidence

M. S. C. S. H. +
S. B. D. W. for app.

INTERIOR DEPARTMENT,
B E F O R E
THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory.

In the matter of the cases of VVillis C. Jones, No. 6755, et al, consolidated, applicants for identification as Mississippi Choctaws.

Come M. S. Cobb and S. B. Dawes, attorneys-of-record for applicants in the above styled consolidated cases, and moved this honorable Commission for an extention of time in which to present additional evidence in support of said applications, and as a basis ~~for~~ said motion state the following facts:

1st.

M. S. Cobb, one of the attorneys-of-record, was, some time in the month of April, 1903, taken sick with bilious fever, and was not able for some weeks to leave his room;

2nd.

That about the 1st of May, 1903, Mrs. M. S. Cobb, the wife of M. S. Cobb, who is one of the attorneys-of-record in these cases, was stricken down with the "Grippe", which developed into pneumonia, which rendered her condition such that it was impossible for the said M. S. Cobb to leave her for any length of time; that two physicians were in constant attendance upon her, whose affidavits will be submitted in support of this motion.

~~That she was not able to sit up~~

3rd.

That the said M. S. Cobb has had, and still has exclusive management in looking up the testimony in said cases; and that, on account of the sickness aforesaid in his family, he has been wholly unable to give the cases any attention since the 25th of March, 1903. That it would be doing the applicants in these cases a great injustice to submit their cause on proof now before the Commission. That the attorneys-of-record in these cases believe the cases are just and that evidence can and will be procured showing the same, if a reasonable time is given them in which to procure it.

WHEREFORE, they pray this honorable Commission to extend to them an other thirty days time, dating from the 1st day of June, 1903, to the 1st day of July, 1903, in which to present further proof in said cases, and as in duty bound will ever pray.

M. S. Cobb,

Attorneys-of-record.

J. B. Dawes

M. S. Cobb, being sworn, states that the facts set out in the above and foregoing motion are true.

This the 28th day of May, 1903.

M. S. Cobb

Franklin
Notary Public.

Original

COMMISSION TO THE FIVE CIVILIZED TRIBES OF MUSKOGEE,
INDIAN TERRITORY.

In The Matter of the Application of Willis C. Jones et al
for an Identification as Mississippi Choctaws, M.C.R. No.6755.

Applicants desire to take the deposition of Oliver Jones in support of their said application. Said Oliver Jones resides at Bryan's Mill in Cass County, Texas. Applicants say they expect to prove by said Oliver Jones that he is ^{or 90} 89 years of age; that he does not live in the State of Mississippi or in the Indian Territory at this time; that because of his age and infirmity he cannot appear ^{before} this commission at Muskogee to give in his evidence in support of said application.

That the said Oliver Jones lived in the old Choctaw Nation in Mississippi from the year 1828 to the year 1840; that he lived in the neighborhood of Robert Jones and near the residence of Rebecca Jones, nee Rebecca Bop, the mother of said Robert Jones; that he was well acquainted with said Rebecca Jones and her family, especially so with her sons Robert Jones and Willis Jones; that said Rebecca Jones was a half breed Choctaw Indian, so recognized by the officials of the Choctaw Nation at that time and by all of her white acquaintances; That said Robert Jones was a one quarter Choctaw Indian and was recognized by Indians and Whites as being a Choctaw Indian and a member of the Choctaw Tribe of Indians; that said Robert Jones moved to the old Choctaw Nation in Mississippi in 1828. He was at that time married and had children. Two are especially remembered by said Oliver Jones. They were Alfred and Willis C. Jones.

That in 1829 Robert Jones fenced a large tract of land in the Choctaw Nation in Mississippi and began to clear and improve the same. That in 1830 he built a cabin within said enclosure and moved into and occupied it as a home. That in 1831, after the ratification of the treaty between the United States and the Choctaw Tribe of Indians known as the Treaty of Dancing Rabbit Creek, said Robert Jones made application to the then Indian Agent Colonel Ward for the enrollment of himself and children as Choctaw Indians who elected to remain in Mississippi and take up lands under provisions of Article 14 of said Treaty. That at said time Robert Jones had owned and held an improvement in the old Choctaw Nation in Mississippi for about two years, and had occupied the same as a home for more than one year, and that in said year 1831 he was cultivating a large tract of the land that he had theretofore fenced and cleared.

That said Oliver Jones will further testify that he was present at the Indian Agent's office in Columbus, Mississippi, in the Spring of 1831 when said Robert Jones made application to him for the enrollment of himself and children under provisions of said Article 14 of said Dancing Rabbit Creek Treaty. That said Agent Ward, after having had said Robert Jones identified to him by Captain Laflore as being a Choctaw Indian and a member of the Choctaw tribe, took his name and the names of his children and had the same written in a book, and told the said Robert Jones that he could remain in Mississippi and hold his land in the Choctaw Nation under said Treaty.

That said Oliver Jones was also acquainted with Eli Hill and Ed Hill, who were neighbors of the said Robert Jones and were with him at the office of the Indian Agent at the time he made said application to said Agent for enrollment as aforesaid.

That said Oliver Jones remained in Mississippi for some ten years after that time and knows when the said Robert Jones and other members of his family left the State, and why they so left. That he knows, and will testify to many other facts material to applicants in the prosecution of their said application for identification as Mississippi Choctaws.

That said Oliver Jones is not related to applicants in any way and is not interested in their said claim, and is not himself an applicant for identification as a Mississippi Choctaw Indian.

Willis L. Jones

Subscribed and sworn to before me this 11th day of August, 1903.

A. B. Belding
Notary Public

Attest: Notary Public 22, 1905.

UNITED STATES OF AMERICA,)
Indian Territory,) ss.
Central District.)

I hereby certify that I served the within Affidavit for Commission to Take Depositions, on Mansfield, McMurray & Cernish, Attorneys for Choctaw and Chickasaw Nations, by delivering to Geo. A. Mansfield, a member of said firm at their office in the city of South McAlester, I. T. this 15, day of August 1903 at 10:10 o'clock A. M.

BENJ. F. HACKETT,
U. S. Marshal.

By

E. J. Miller
Deputy.

W. J. H. H. H. H. H.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 24th, 1903.

M C R 6755

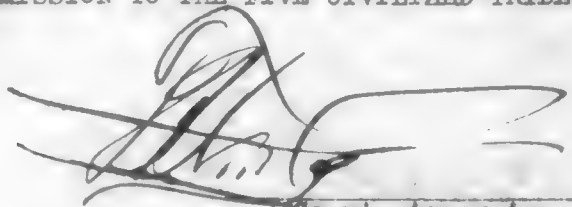
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In the matter of the consolidated Mississippi Choctaw case
of Willis C. Jones, et al.

Now on this 24th day of April, 1903, comes M. S. Cobb,
one of the attorneys for the applicants in the above entitled
cause, and files his motion for a continuance therein until Monday,

June 1, 1903, and, after consideration of said motion, it is the
opinion of this Commission that the same should be granted and it
is so ordered; and further, that said attorney for the applicants
be advised of the action of the Commission and that the applicants
be allowed until Monday, June 1, 1903, to introduce further testi-
mony in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner in
Charge.

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 21, 1903.

In the matter of the application of Willis Cornelius Jones
 for identification as a Mississippi Choctaw.

S.B. Daves, Attorney for applicant.

Willis Cornelius Jones being first duly sworn testified as
 follows:

Examination by the Commission:

- Q What is your name? A Jones; Willis Cornelius Jones, is my full name.
- Q What is your age? A To the best evidence I can get I will be seventy seven next August.
- Q Seventy six now? A Yes sir.
- Q What is your post office address? A Hot Springs Arkansas.
- Q How long have you lived there? A About a year the third of next April.
- Q Where were you born? A In west Tennessee. Fifteen miles east of Bolivar.
- Q And from there you went where? A To the Choctaw Nation in Mississippi.
- Q How long did you live in the Choctaw Nation Mississippi?
- A I lived in the Choctaw nation about - probably a year and a half; I won't say positively because I don't recollect exactly.
- Q Where did you go to then? A I went back to the Chickasaw Nation.
- Q In what state? A In Mississippi, Pontotoc County.
- Q How long did you live in Mississippi altogether? A I lived there I suppose nine or ten years; I think nine or ten years.
- Q Then where did you go - to what state? A Come to Arkansas.
- Q Have you lived there since? A Yes, sir.
- Q Is your father living? A No, sir, he's dead.
- Q Is your mother living? A No, sir, she's dead.
- Q What was your father's name? A Robert Jones.
- Q What was your mother's name? A Malinda Ewell.
- Q Was that her maiden name? A Yes, sir.
- Q Do you claim your Choctaw blood through your father or mother?
- A Through my grandmother.
- Q Do you claim through your father or mother? A Grandmother; my father's mother.
- Q Through your father then? A Yes.
- Q How much Choctaw blood do you claim? A One eighth.
- Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory here in the Indian Territory? A Not in this territory, no sir.
- Q Do you know when your father and mother were married? A I do not.
- Q Have you the proof of that marriage with you? A No sir.
- Q Is your wife living? A Yes, sir she's living.

- Q What is her name? A Her name is Mary Adeline Jones.
- Q Has she any Choctaw blood or is she just a white woman?
- A No sir.
- Q Do you make any claim for her? A No sir.
- Q You have no minor children? A None.
- Q You claim for yourself alone? A Claim for myself alone.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A Well I think I do to some extent.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A To the best of my knowledge when he left Tennessee there was an Indian come up after us from the Choctaw Nation; I was going on three or four years old and I recollect his name?
- Q What was the name of your Choctaw ancestor? A Bop or Box.
- Q I mean the name of your Choctaw ancestor that you are claiming through now? A Robert Jones.
- Q Robert Jones - is that your father? A Yes sir.
- Q I mean go back to your ancestor as far as you can - the one that lived in Mississippi in 1830, if you know of one.
- A I cant go back any further than the uncles and grandfather.
- Q Can you give your grandfather on your father's side? A Yes sir.

- Q What was his name? A William Jones - commonly called Billy; his name was William.
- Q How much Choctaw blood did he have? A He didn't have any, as far as I know; his wife, my grandmother was half Choctaw.
- Q What was her name? A Rebecca Bop or Box.
- Q That was her maiden name? A Yes, sir.
- Q Did she marry William Jones? A Married William Jones.
- Q This is your grandmother? A Yes sir.
- Q your father's mother? A My father's mother.
- Q And you claim she was one half Choctaw? A One half Choctaw.
- Q Did she live in Mississippi or Alabama in 1830? A She lived in Alabama and Mississippi both; she moved from Alabama, I think up to Tennessee.
- Q Where was she living in the year 1830 or 1831? A In 1830-- we were in the Choctaw Nation in 1830 in Mississippi.
- Q And at that time were you living? A Yes sir; I was going on three years old; I recollect some things that occurred on the road.
- Q Where were you born? A I was born in Tennessee.
- Q And while very small went to Mississippi? A Yes sir.
- Q And your grandmother Rebecca was with you then and she went? A Yes sir we all went together.
- Q Do you remember her? A O, yes.
- Q What kind of looking woman was she? A She was tall, dark hair, her hair was tolerably dark the best I can recollect. Very dark skinned.
- Q What were the color of her eyes? A Black.
- Q Did she speak the Choctaw language? A Yes, sir.
- Q Did you father speak Choctaw? A Yes, sir.
- Q Do you understand the language? A Why, not perfectly, I understand a good deal of the Choctaw language.
- Q You understand it if they talk it in general conversation.
- A I know some words; I can count. (Applicant counts in Choctaw(?)) If you wanted to tell a man he was a hundred years old, you said: "Pocola tucalo."
- Q What is the name of a colored man? A Hi tucaloosa.
- Q What is "heap good"? A Chicka-mah-hah-wahoo.
- Q Do you know whether Rebecca Bop who afterwards married William Jones, went to Colonel William Ward within six months after the treaty of 1830 was ratified and registered or tried to register under article fourteen of that treaty, this would be within six months from the 24th day of February 1831?
- A I don't know; I won't swear positively only what I've heard; I heard they made application for the land and I know they got land.
- Q Now in making that application, who went, and what was done?
- A I can't say who went; but I know very well they went on and on and went to building and cultivating.
- Q At what time was it? A That was thirty and thirty one; we got there sometime in thirty and commenced occupying land and I recollect grandfather had a piece in cultivation.
- Q Did they get that land from the government or did they buy it? A They got that land, it was my understanding from Ward, the Commissioner.
- Q What proof have you that Rebecca Bop or any one for her, went to Ward and received any rights or benefits under that article

A I have none only what I've heard the ancestors say; I was too small myself; I've heard it time and again that they did comply with that article.

Q Is your knowledge based upon family history and tradition?

A A good deal of family history and what I've heard the old ancestors say.

Q Have you any documentary proof of any kind? A None.

Q Do you know if the name of Rebecca Bop is upon any of the rolls made by the agents of the government of Choctaw Indians who claimed rights under article fourteen? A I think probably her name occurs on the Choctaw roll.

Q Have you any proof at present of that fact? A None without it occurs on the records.

Q You don't know whether it does or not? A No sir.

Q Do you know whether she or any Choctaw ancestor of yours went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A None that I know of; there was one thing that occurred in 1831; one of my uncles Willis Jones killed a Choctaw.

Q Willis C. Jones is your name? A I was named after him; he killed a Choctaw and we had to leave the land and run off.

Q Where were you then? A We were in the Choctaw Nation; he wouldn't surrender to the Choctaws and had to leave and went off and stayed till the Indians left, and father left his place and my information is that he had got land under the fourteenth article but had to leave it; I've often heard him say that uncle broke him up; he had to kill the Indian in self defense; that occurred in '31 the early part of thirty one, to the best of my recollection.

Q You have no knowledge of Rebecca Bop or Box or any Choctaw ancestor of yours living one land five years and then getting a patent from the government? A No sir.

Q You don't know of any such history in the family?

A No, sir.

Q Did you ever hear that any ancestor of yours went before a commission appointed by Congress by an act approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claiming any rights under article fourteen of the treaty of 1830? A I do not recollect.

These two commissions were appointed one in 1837 and the other in 1842 because a great many Choctaw Indians claimed that they had gone to Colonel Ward and that he had refused to register them and as a result of his refusal the land which they occupied in the old Choctaw Nation had been taken from them by the government and sold; as they were confident of the fact that they had registered or attempted to register they felt aggrieved that their land was taken from them and the complaints of these Indians became so insistent and so numerous that Congress appointed this first commission of 1837 and then this commission of 1842 and those Indians had an opportunity to go before them and prove those facts and a great many of them afterwards received land from those different commissions.

Q Do you know if any of your ancestors Rebecca Bop or Box or any other went before either of them? A I don't think they did.

After they went in 1830 I don't think my father made any other attempt; we had to leave the place and father never went back to his place again.

Q That was in 1831. A Yes, sir, and his house burned up in the mean time and he lost everything that he had.

Q Do you know whether any of your relatives or kin folks, any people who claim through Rebecca Bop or Box or Rebecca Jones have been before this Commission to be identified as Mississippi Choctaws? A I think they have; some of them.

Q Mr. Jones, you claim, do you not that at the time when your grand mother Rebecca Bop or Box or Jones went to Mississippi that your father also went? A Yes, sir.

Q Your father Robert Jones, also went? A Yes sir.

Q And that he was a married man at that time and had a family living and that you were born before that date? A Yes, sir.

Q And you will claim ing through your less remote ancestor Robert Jones instead of Rebecca Box? A Yes sir.

Q Your claim then is somewhat different from the claim of those who claim entirely through Rebecca Bop or Box? A Yes sir.

Q You base your case upon a compliance or attempted compliance on the part of your father Robert Jones? A Yes, sir.

Q And you claim that he went to Colonel Ward and tried to register and was refused.

A It's my understanding that he did register but on account of the killing of this Indian we had to leave the land; I wont say that he positively did because I don't know of any papers, but I've heard them talk for sixty years.

Examination by Mr. Dawes, Attorney for applicant:

Q Your information is that your father Robert Jones did go before Ward and registered and that there were some papers made to that effect issued and they were burned when your house was burned? A Yes, that's my information; I don't know the facts positively.

Q That's family history? A Yes, sir, that's what they talk in the family.

Q And this land that your father had taken up in 1830 was held by him in 1831 by virtue of his registration, as you understand it? A Yes, sir.

By the Commission:

Note: This applicant, Willis Cornelius Jones claims his right to identification as a Mississippi Choctaw as the descendant of his father Robert Jones who was living in Mississippi in 1830 and who was the head of a family there at that time and who complied or attempted to comply with article fourteen of the treaty of 1830; he claims his Choctaw blood through his father, not through the more remote ancestor whose name was Rebecca Jones nee Bop or Box but as his father was the less remote ancestor who complied with article fourteen of the treaty of 1830, he makes reference to his grandmother Rebecca for the purpose of showing his Choctaw descent; relatives of his have appeared before the Commission in the consolidated case of Mary E. Sparks M.C.R. 5735, all of whom claim not only their Choctaw descent but their proof of compliance on the part of this grandmother of this applicant Rebecca Jones nee Bop or Box.

By Mr. Dawes:

Q You stated a moment ago you were seventy six years of age.

A Seventy six or seven.

Q How long have you been away from the Choctaw people; in other words how long has it been since you have lived among Choctaw people? A I stopped a few years ago, going to Texas in the Choctaw Nation is the only time I've stayed among them since I left Mississippi, in passing through the nation I stopped there three months at Talihina.

Q When did you learn the Choctaw language? A I can't tell you that; ever since I could talk; I suppose I learned it when I learned other languages; I can't tell you when I learned the Choctaw language; the old ancestors talked it and of course I couldn't tell when I learned it; I was very young.

Q Then you have been away from among the Choctaw people forty or fifty or sixty years? A Yes, sir.

Q You stated that your father Robert Jones as I understand it went before Ward the Indian agent or commissioner in the Choctaw Nation in Mississippi in 1831 for the purpose of registering himself and family? A That's my understanding, that we came from Tennessee for that special purpose, to get the land, by grandmother being a Choctaw, this Indian coming after us and taking us down there; that's always been my understanding.

Q Do you know from family history and conversations with your father and mother anything about the agent issuing any paper or giving them any authority to hold this land under article fourteen of the treaty of 1830. A I've heard it was burned in the house; I don't suppose I ever saw it and if I had I wouldn't know it, but I've heard it talked that such papers were issued to my father.

Q Such papers were issued to your father and those papers were burned in your house? A Yes, I've forgotten what the Indians called anybody they didn't like - luscier (liar). (Applicant gives several other Indian names).

Q It was your uncle who had killed an Indian? A Yes sir.

Q What was his name? A Willis Jones.

Q And as a result of that killing there was trouble between your father's family and the Indians? A There wasn't any trouble we just moved away.

Q Whose house was it that was burned? A It was father's house.

Q The Indians burned it? A We supposed the Indians burned it.

Q And destroyed your household effects and papers? A Yes, sir everything except the clothes we had on us.

Q Then you did not return to the Choctaw Nation? A No sir.

Q Never made any further attempt under any of those subsequent acts of Congress? A No sir; we went into what is now Pontotoc County.

Q Why didn't your parents - your father or members of his family go back to that part of Mississippi and attempt further to establish their claim? A They was afraid to do so; they were afraid of the Indians; Uncle Willis was afraid of the Indians; he didn't submit his case and that was the law - to kill a man who had killed an Indian.

Q How long has your mother been dead? A She's been dead about a year.

Q What was her age when she died? A Ninety six.

Q Where did she live for ten years or fifteen before she died?

A She lived in Arkansas and some times in Texas.

- Q She lived with her children and grandchildren? A Yes sir, and lived with me part of the time.
- Q At the time of her death was her memory clear? A It was clear up until August or July before her death; she died at Kena Arkansas; she retained her memory until six months before she died.
- Q How long has your father been dead? A Father's been dead about forty five years.
- Q Did your father speak the Chetaw language? A Yes sir.
- Q I believe you gave his complexion have you not? A Yes sir.
- Q How many children have you living? A I have eight living.
- Q What is the name of the oldest? A Nancy Wright.
- Q Is she a daughter of yours? A Yes sir.
- Q Where does she live? A She lives at Amity Arkansas.
- Q When was she born? A 1853.
- Q Do you know how many children she has? A I think she's got ten.
- Q Is J.H. Jones a son of yours? A Yes sir.
- Q What is his full name? A Joseph Henry.
- Q Where does he live? A Hot Springs.
- Q What is his age? A Born in 1855.
- Q Sarah J. Jackson is a daughter of yours? A Yes sir.
- Q Born in fifty seven? A Yes sir.
- Q How many children has Joseph H. Jones? A Three living.
- Q Sarah J. Jackson lives at Pontreass Indian Territory? A Yes sir.
- Q How many children has she? A Ten.
- Q Have you a daughter named Galinda Keith? A Yes sir.
- Q Born in fifty nine? A Yes sir.
- Q And resides at Amity Arkansas? A Yes sir.
- Q How many children has she? A Only ten I think.
- Q Have you a daughter named Julia Matthews? A Yes sir.
- Q Residing at Wayside Arkansas? A Yes sir.
- Q Born in sixty one? A Yes sir.
- Q How many children has she? A Three.
- Q Have you a daughter named Eliza Kitcher? Born in sixty three and residing at Wayside Arkansas? A She's dead; she has two children living.
- Q Do you know their names? A Rushie and Luella.
- Q Are they of age? A Yes, sir I think they are.
- Q You have a daughter named Margaret Berry born in sixty five and living at Pattenville Texas? A Yes sir.
- Q She was born in sixty five? A Yes sir.
- Q How many children has she? A Three.
- Q Have you a son named R.A. Jones living at Detroit Texas born in sixty seven? A Yes sir.
- Q How many children has he? A Four.
- Q How many brothers and sisters did you have? A There was eight of us.
- Q Give me the names of your brother please sir; your brothers and sisters who were the children of Robert Jones. A Alfred Jones; John M. Jones; Ledufay Jones, now Diffy, Sarah Jones now Garner, Adeline Jones, now Carpenter, Robert Jones Joseph Jones, and Rhoda Jones now Weddle.
- Q And your self? A Yes sir.
- Q Now these are all of the children of your father Robert Jones? A Yes sir.
- Q And with the exception of Alfred they are all younger than your self? A Yes sir.
- Q Alfred was the eldest and which the next? A No, the next.
- Q And the others were all younger? A All younger.

- Q These persons named are either living or have descendants living? A Yes sir.
- Q And they have the same degree of Choctaw blood and the same rights if any that you have? A Yes sir.
- Q Do you remember ever having heard your father Robert Jones say anything about,--that he felt he had forfeited his right to land by having abandoned it in the manner that you have stated? A Not in those words precisely but I've heard him say that uncle Willis Jones caused him to lose his land, the result of the killing I suppose.

This applicant has the appearance and physical characteristics of being descended from white parentage; has an abundant growth of hair which is silvery white.

- Q What was the color of your hair formerly? A Black.

His hair was formerly black. Whiskers now gray, formerly black; eyes are dark brown; skin is medium dark; he has some knowledge of the Choctaw language being able to count in that language; has the knowledge of common words in use and of animals, birds and beasts. Claims his father spoke the Choctaw language. His knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 is based on family history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 21st day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of March 1903

Charles W. Sawyer
Notary Public.

(Witness)

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of Willis Cornelius Jones
for identification as a Mississippi Choctaw.

S.B. Daves and W.S. Cobb, Attorneys for applicant.

Jane P. Jones (a witness) being first duly sworn testified
as follows:

Examination by the Commission:

- Q What is your name? A Jane P. Jones.
Q What is your age? A I'm sixty six.
Q What is your postoffice address? A Amity, Arkansas, Clark,
County.
Q Are you related to Willis C. Jones? A I am by marriage; my
husband's brother.
Q Your husband's name was what? A Alfred Jones.
Q Alfred Jones was the full brother of Willis C. Jones?
A Yes, sir.
Q You have no Choctaw blood? A No sir.
Q You came before the Commission as a witness in this case?
A Just as a witness for the descendants of Robert Jones.
Q You want to have your testimony given by you in the case of
Willis C. Jones, W.C.R. 6755, also applied in the application
of Arthur W. Jones W.C.R. 6756? A Yes, sir.

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Examination by Mr. Cobb.

- Q Mrs Jones through whom do Willis C. Jones and Arthur W. Jones
claim their Indian blood? A From Becky Box.
Q Did you ever know Rebecca Box? A Yes, sir.
Q How many years were you acquainted with her? A I don't know
that I can give an exact answer but fully fifteen years, from
the time I first saw her before her death.
Q Did you know her husband William Andrew Jones? A No, sir, he
died long before they left Mississippi.
Q What was the personal appearance of Rebecca Box; what was
the color of her eyes? A Black eyes; her hair was black
excepting what was white; she was getting pretty gray but
what wasn't gray was black.
Q What was her complexion? A Dark.
Q Did she have the appearance of an Indian? A Yes, sir, she
did, she had very high cheek bones.
Q Did she ever tell you she was half Choctaw? A No, sir, she
never did.
Q Did any one ever tell you she was half Choctaw? A Yes, sir.
Q Who told you? A My husband told me and my mother-in-law
and I don't know whether my father-in-law ever did or not

My mother-in-law and my husband.

- Q Now were you acquainted with Robert Jones? A Yes, sir.
- Q Was he a son of Rebecca Jones, nee Box? A Yes, sir.
- Q Did Robert Jones speak the Choctaw language? A Yes, sir.
- Q Did Rebecca Box speak the Choctaw language? A I do not know; I never heard her speak it; I've heard them say she could but I never heard her.
- Q Do you know if Willis C. Jones and Alfred Jones could speak the Choctaw language? A Yes, sir they both could speak it.
- Q Are they the grandsons of Rebecca Box? A Yes sir.
- Q And the sons of Robert Jones? A Yes sir.
- Q What was Robert Jones wife named? A Malinda Jones.
- Q Have you any knowledge as to whether she and Robert Jones were living in Mississippi in the Choctaw Nation in the year 1830? A Yes sir, they were there in 1830; I've heard them say so; of course I don't know..
- Q Have you ever heard Robert Jones speak anything about taking land in the Choctaw Nation in 1832? A Yes sir; they were there in 1830 and he took land.
- Q State what he said was done with reference to getting that land? A He went to the Agent Ward and got either scrip or certificates, I don't know which for that land.
- Q Did he ever state to you how much land he got?
- A No, I heard him speak of sections; I don't know how much he got.
- Q How many children did he have? A They had four children.
- Q How do you know they had four children at that time? A My mother-in-law often told me of a certain child that was a baby at that time and I knew it was the fourth child in the family.
- Q Did Robert Jones tell you he took up land in the Spring of thirty one in the Choctaw Nation in Mississippi? A Yes sir.
- Q Where did he say that land was located? A On the Tallahatchie river below the mouth of Tippah.
- Q Did he ever state to you why he abandoned the land? A Yes, sir.
- Q State the reason he gave for abandoning the land? A Well his brother killed an Indian in self defense, and they all had to leave to save their lives or they thought they had to leave for that purpose.
- Q Which brother killed the Indian? A It was Willis Jones.
- Q Do you know what year it was he killed the Indian? A In thirty one.
- Q Do you know what time of the year? A I think it was June, or the first of July.
- Q Have you ever heard your mother in law Malinda Jones or your father in law Robert Jones say how they had to get away from that land? A Yes, sir I've often heard them say how they left there; I don't think they started in the night but they travelled in the night and they told me they went through all the branches and creeks they come to; she said she carried her baby and walked and waded the water as she went; I heard my husband talk about it; he could remember it and did some of the walking.
- Q Did you ever hear Robert Jones or Malinda Jones, either, say what became of those papers, that certificate or scrip that was issued to Robert Jones by Colonel Ward? A Yes, sir, they said it was burned when the house was burned; the house was burned when they ran off and it was burned.
- Q Was the time they ran away from the Indians, when Willis Jones killed the Indian? A Yes, sir.

- Q Do you know in what year they left Mississippi? A It was thirty nine that they left there.
- Q Did they ever say anything to you with reference to why they didn't go back and re-possess that land? They were afraid to go back.
- Q They stayed away through fear? A Yes sir.
- Q Do you recognize that photograph? Yes, sir
- Q Whose picture is that? A That's Dr. Willis Jones of Hot Springs.
- Q Who is this? A My mother-in-law.
- Q Was that the wife of Robert Jones and Willis Jones? A Yes sir.
- Q How long were you acquainted with her - Malinda Jones?
- A About fifty eight years.
- Q Did she reside at your home? She did a great deal of the time after her husband died.
- Q What time did her husband die? A About 1860.
- Q Have you ever heard her speak about taking up this land in Mississippi? A Yes, sir.
- Q Have you heard her more than once? A Yes, sir, I have frequently heard her talk about it.
- Q When was the last time you heard her speak about this matter?
- A This last summer was a year ago, the last time she was with me before her death.
- Q Can you recollect what was said about this at that time? A
- A She was speaking of her poverty; that she had had to live in poverty and we brought up the subject and she asked me if the Choctaws could still get rights in the Indian Territory; I told her, No, I thought the time had passed for them getting any rights, which I did think it at that time, and she spoke of it with a great deal of regret, said if anyone had taken it up and tried to get the evidence, my children would get a whole lot of land and money in the nation and we would have got it if we hadn't got out papers all burned up.
- Q When were you married Mrs Jones? A The first day of fifty four.
- Q Have you the evidence of your marriage? A No sir; it's recorded in Philadelphia I suppose; it was before the license law in our state.
- Q How many children have you? A Eleven living children.
- Q Can you give me the names and ages of those children?
- A Yes sir. M.A. Cubage, born in fifty four.
- Q And here is Mrs. W.A. Highsmith? A She was born in fifty six.
- Q And Mrs Mary L. Diffy? A She was born in fifty eight.
- Q Granville Jones? A Born in sixty one.
- Q Dr. I.J. Jones? A Born in sixty four.
- Q Lee J. Chandler? A She was born in sixty eight.
- Q Mattie J. Chandler? A Sixty I reckon.
- Q How old is she now? A Thirty three.
- Q Arthur W. Jones, is he your son? A Yes sir.
- Q How old is he? A Thirty three too.
- Q Claude L. Jones; is he thirty years old now? A Yes sir.
- Q Grace Palmer; is she a daughter? A Yes sir.
- Q Is she twenty eight years old now? A Yes sir.
- Q Gilford L. Jones? A He's twenty five.
- Q Are these all your children? A Yes sir.
- Q And the children of Alfred Jones? A Yes sir.
- Q And the grandchildren of Robert Jones? A Yes, sir.

By Mr. Dawes:

We ask permission to file the photograph herewith presented and identified as an exhibit to the testimony of Mrs Jane P. Jones who appears as a witness on this date in the matter of the application for the Identification as Mississippi Choctaws of Willis C. Jones M.C.R. 6755 and Arthur W. Jones et al., M.C.R. 6756, number one on said exhibit being Melinda Jones and being the widow of Robert Jones the party from whom and by whom the applicants claim their right to be identified as Mississippi Choctaws, number two being Willis C. Jones, the son of said Robert Jones and the applicant whose case appears before the Commission M.C.R. 6755, number three being Nancy Wright the daughter of Willis C. Jones who will be before the Commission for identification as a Mississippi Choctaw, number four Mary Ann Deaton being a daughter of Nancy Wright, number three in said exhibit, who will appear before the Commission to be identified as a Mississippi Choctaw, number five in said exhibit being a son of Mary Ann Deaton, number four in said exhibit. Number six being Mrs Jane P. Jones, the witness on the stand.

By the Commission:

Said photograph is received, filed, marked exhibit A and made part of the record in this case.

By the Commission:

- Q Is Willis C. Jones your husband's brother? A Yes sir.
Q Your husband is dead? A Yes, sir.
Q What was his name? A Alfred Jones.
Q You are a white woman are you not? A I suppose I am.
Q As far as you know you are? A Yes, sir.
Q You don't claim any Choctaw blood? A No sir.
Q You are related to Willis C. Jones by having married his brother Alfred Jones? A Yes sir.
Q How old would your husband Alfred Jones be if living now?
A He would have been seventy nine his last birth day.
Q How old is your brother in law Willis C. Jones who has made application to be identified as a Mississippi Choctaw?
A I believe he is seventy six.
Q Your husband was the elder? A Yes sir.
Q And you married your husband Alfred Jones when? A In fifty four, the first day of fifty four.
Q How long before that date had you known your husband Alfred Jones or his family? A I had known him from about forty, five I reckon; about forty three I first knew him I think
Q Your knowledge of your husband and his family dates from 1843 does it? A Yes.
Q Where did you first meet him? A I first met him at my father's house.
Q In what state? A In Arkansas, in Clark County Arkansas.
Q And what you know of your husband Alfred Jones having Choctaw blood and what you know of Willis C. Jones ever having Choctaw blood you obtained from him since that date?
A Yes, sir; we thought they had Choctaw blood but I never knew that had it until after I married him.
Q Until after 1854. A Yes sir.

- Q Then your knowledge of the Choctaw blood claimed by your husband and claimed by Willis C. Jones through Robert Jones is based on family history and tradition is it. A Yes sir of course it is.
- Q Whatever you know you get from your husband and from Willis Jones. A Not from Willis Jones. My husband and my mother in law and my father in law and my husband.
- Q That constitutes the family history and tradition upon which you base your testimony today? A Yes sir.
- Q Did you ever see Robert Jones? A Yes sir.
- Q How old a man would he be if living now? A He would be a hundred I reckon if he was living now; no, he wouldn't be quite that old; he would be about ninety eight.
- Q When did you last see him? A I last saw him at our house in Montgomery County Arkansas.
- Q Did he die in Arkansas? A Yes sir.
- Q When did he leave Mississippi to go to Arkansas? A I think in thirty nine.
- Q Did he go from Mississippi in 1839 to Arkansas for the purpose of settling in Arkansas? A Yes sir he went there and made it his home.
- Q Did any of the other ancestors of your husband or your brother-in-law Willis C. Jones go from Mississippi to the Choctaw Nation Indian Territory at any time after the ratification of the treaty of 1830? A No sir not that I know of.
- Q Do you know anything about the treaty of 1830 or article fourteen of that treaty or its provisions? A Yes sir.
- Q How did you get your information? A Well just by what I've been told about it.
- Q By your relatives? A Yes, sir, by my husband's people.
- Q Did your husband Alfred Jones say to you that he had gone to Colonel William Ward the United States Indian agent and had attempted to register under article fourteen and had registered under that article? A That his father did, yes sir.
- Q What did he tell you about it as near as you recollect? A He said his father Robert Jones went and registered or attempted to.
- Q And did he register or not? A I do not know; he thought he did.
- Q But you don't really know? A No sir I don't know.
- Q Did Robert Jones live on land in Mississippi or Alabama after he had attempted to register before Colonel Ward? A Yes, sir.
- Q How long did he live on that land? A He only lived on it a few months.
- Q Where was that land located? A On the Tallahatchie river below the mouth of Tippah in the Choctaw Nation in Mississippi.
- Q How much land was there, do you know? A On which land.
- Q That Robert Jones settled on after the treaty of 1830 was ratified; how much land was there in that? A I don't know for certain only just hearing him speak of it as sections.
- Q Robert Jones afterwards left that land? A Yes sir.
- Q When he lived on it did his two sons Willis C. Jones and Alfred Jones your husband live with him? A Yes, sir, they were boys.
- Q They were living in 1850? A Yes, sir.

- Q Do you know whether their names or the name of Robert Jones appears upon any of the lists made out by the government of Choctaw Indians who were beneficiaries under article fourteen of the treaty of 1830? A No sir I do not.
- Q Is there any information that you can offer relative to Robert Jones the father of Willis C. Jones and your deceased husband Alfred, having complied or attempted to comply with article fourteen of the treaty of 1830 other than this tradition and family history that you are able to give today?
- A No sir.
- Q No records in existence? A No sir.
- Q I think the question was asked you by your attorney some thing to the effect -- the record will show exactly -- as to scrip being issued to Robert Jones by Colonel Ward; A Yes sir he had something -- it was either scrip or certificates I don't know; in speaking about it they called it the land papers.
- Q When did you see that? A I never saw it; I was told about it.
- Q As I understand it Robert Jones left Mississippi in 1839?
- A Yes sir that's my recollection.

Scrip was issued under act of Congress approved August 23 1842 to Choctaw Indians who tried to prove their rights before Colonel Ward and were refused by Colonel Ward; do you mean that scrip. A I don't know when it was; it was showing for the land; it was either scrip or certificates.

Q It couldn't have been scrip or those certificates which were issued under that act of Congress because that wasn't issued until 1842.

A I believe it was a certificate.

By Mr. Dawes:

- Q Wasn't it spoken of by your father in law and his wife and your husband as being the papers showing the enrollment of the family before Ward; wasn't that the description they gave? A I think they had a paper of that kind; probably they had the paper showing the land that they were allotted the land.

By the Commission:

- Q Do you claim that the name of Robert Jones, the father of your husband Alfred Jones and the father of Willis C. Jones who came before the Commission today appears upon Colonel Ward's list as a beneficiary under article fourteen of the treaty of 1830? A I don't know.
- Q You don't think it is on that list? A No sir I don't think it is; it should be there; he went to enroll.
- Q Do you want to say it is or isn't on that roll? A I don't know; I know it should be there.
- Q Have you any other proof to show that except what he said and what your husband and other members of the family said?
- A I heard them say he was entitled to land; he went to this agent to take land and be enrolled.
- Q That's what has been told you? A Yes, sir.
- Q By whom -- Robert? A Yes, sir, Robert Jones and his wife, my mother in law, Malinda Jones and I heard my husband talk about it.

- Q Do you know of any person living today who went with Robert Jones and who could be produced before this Commission to testify to that fact. A Aunt Polly Jones who lives in Arkansas.
- Q Where in Arkansas? A Newhope Arkansas, Pike County.
- Q Is that the only witness who could personally know whether Robert Jones went before Colonel Ward or not? A That is the only one I know.
- Q Do you know as a matter of family history and tradition whether Robert Jones went before the Commission of 1837 or 1842 which Commissions were appointed by various acts of Congress to hear the cases of Choctaw Indians who claimed that they had gone before Colonel Ward within six months after the ratification of the treaty of 1830 and had attempted to secure rights under article fourteen of that treaty? A I never heard of his going before any other Commission.
- Q And this land that you say he had he did not receive by virtue of having gone before the Commission of 1837 or 1842? A I don't know; I know he went there to take up the land.
- Q But you said he didn't go before either of these commissions? A Not that I know of.
- Q Therefore you don't think that land he had in Mississippi was land he got by going before either of these commissions? A No sir I don't know that.
- Q Now then if he didn't hold that land because he didn't go before either of those two commissions did he hold that land because he went before Colonel Ward and was refused by Colonel Ward the right of registration? A I don't know that.
- Q Where did he get that certificate or that scrip you spoke of? A It's my understanding he got it when he took up the land he got a certificate.
- Q From whom? A I don't know.
- Q Wasn't that at a deed of land from somebody he bought the land from? A No sir; they didn't own any land.
- Q But you say he didn't get any rights before Colonel Ward when he went in 1831 and you don't think he went before the Commission of 1837 nor the Commission of 1842, now can you give any information at all where he got that scrip or paper or the certificate or whatever you are pleased to call it that you think or have heard that Robert Jones had as authority for his holding land in Mississippi? A I always heard he got it and took up this land under the five year claim.
- Q He lived on land then five years did he? A No sir; he didn't; he didn't live on it but a few months; he took it up though to prove it out in five years. And he got some kind of showing when he took it up.
- Q Can you tell where he got that showing or scrip or paper or whatever it was? A He got it from Ward I suppose.
- Q He did get some rights from Colonel Ward? A Yes sir, I suppose he got it there.
- Q Did Colonel Ward then give him this paper? A I don't know; I've heard them say he got it.
- Q But his name does not appear on Colonel Ward's registry list? A I don't know.
- Q Isn't after all what you can testify to what you have learned as a matter of rumor and history in the family.
- A It's just what I'm well acquainted with, what I pretend to say from what I have heard in the family.

- Q You have testified what you have heard in the family?
A Yes, I've heard it over and over so many times that they took up the land under this five year claim and that they had some kind of showing.
Q You are not able to make your testimony any clearer as to the rights which Robert Jones had or claimed to have had are you? A No sir; they always claimed they lost it by having to abandon it and the papers were burned up.
Q And they lost it because somebody killed an Indian in the family and the rest all went away? A Yes, sir, I've heard that over and over.

By Mr. Dawes.

- Q In what way were those papers and the house hold effects lost? A They were burned.
Q The house was burned when they had to leave the premises, when they abandoned the land and left ~~there~~ their house was burned. A Yes sir.
Q What year was that? A In 1831.
Q And you understand from your husband and father in law and brother in law that at the time your father in law Robert Jones appeared before Ward he got some evidence of his appearance; some paper of some kind? A Yes sir.
Q He got some evidence of his enrollment there and his right to take up land in the Choctaw Nation Mississippi?
A Yes sir.
Q And that he took up land, several sections for himself and family and was occupying that land in the summer of thirty one when this killing occurred and the family had to abandon the premises and the house and the effects and papers were destroyed by fire afterwards. A Yes sir.
Q And those papers that Ward gave them they called them the land papers? A Yes sir, the old lady always spoke of them as her land papers.
Q After leaving there in 1831 do you know where they went?
A I think they went down near Pontotoc near Rocky Ford in Pontotoc Mississippi, fifteen miles from the town Pontotoc.
Q And remained there until they went to Arkansas? A Yes sir.

By the Commission:

- Q When did Robert Jones die? A In 1860.
Q And what you know about those papers and about anything else pertaining to those Choctaw rights of Robert Jones and his descendants you heard between 1854 and after that date --- since 1854? A Yes, sir, since 1854.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes.

Charles H. Sawyer

Subscribed and sworn to before me this 4th day of March 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis Cornelius Jones,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Willis Cornelius Jones,	M.C.R. 6755
Arthur W. Jones, et al.,	M.C.R. 6756
J. Granville Cubage,	M.C.R. 7043
Fannie A. Highsmith, et al.,	M.C.R. 7036
Mary L. Diffie, et al.,	M.C.R. 7030
Granville Jones, et al.,	M.C.R. 7164
Isaac J. Jones, et al.,	M.C.R. 7165
Lee J. Chandler, et al.,	M.C.R. 7038
Claude L. Jones,	M.C.R. 7205
Mattie J. Chandler, et al.,	M.C.R. 7039
Guilford L. Jones,	M.C.R. 7042
Grace Palmer, et al.,	M.C.R. 7291
Nancy E. Wright, et al.,	M.C.R. 7031
Mary A. Deaton, et al.,	M.C.R. 7032
Richard L. Wright, et al.,	M.C.R. 7033
Ida Deaton, et al.,	M.C.R. 7061
Ada Runyan, et al.,	M.C.R. 7062
Rhoda Garner,	M.C.R. 7034
Sarah Jackson, et al.,	M.C.R. 6962
Mary Ann Yarbrough, et al.,	M.C.R. 6964
Cornelius Jackson,	M.C.R. 6967
William H. Jackson,	M.C.R. 6965
David Arthur Jackson,	M.C.R. 6985
Mattie Jeffreys,	M.C.R. 6986
Victoria Collins,	M.C.R. 6987
Malinda M. Keith, et al.,	M.C.R. 7035
Joseph W. Keith,	M.C.R. 6781
Julia A. Mathews, et al.,	M.C.R. 7415
James H. Ketchum,	M.C.R. 7040
Rushia A. Deaton,	M.C.R. 7337
Mary L. Ketchum, et al.,	M.C.R. 7037
Margaret A. Berry, et al.,	M.C.R. 6780
Richard Robert Alexander Jones, et al.	M.C.R. 6779
John N. Jones,	M.C.R. 7092
Texanna Swarner, et al.,	M.C.R. 7293
Joseph W. Jones,	M.C.R. 7094
Lydia Parrish, et al.,	M.C.R. 7177
Edna Garret, et al.,	M.C.R. 7292
Jolly Jones,	M.C.R. 7093

Josie Campbell,	M.C.R. 7176
Willis O. Carpenter, et al.,	M.C.R. 6946
Joe H. Brown,	M.C.R. 6917
Ardena E. Weaver, et al.,	M.C.R. 6947
Rhoda Weddle, et al.,	M.C.R. 6810
Charles L. Weddle,	M.C.R. 7041
Joseph Weddle,	M.C.R. 6811
Jim Jones, et al.,	M.C.R. 7383
Mary Jane Tucker, et al.,	M.C.R. 6948
William Andrew Tucker,	M.C.R. 6949
Belzora Tucker,	M.C.R. 6951
Jollie Tucker, et al.,	M.C.R. 6950
Andrew J. Meeks, et al.,	M.C.R. 7408
William S. Meeks, et al.,	M.C.R. 6588
John Thomas Draper,	M.C.R. 6410
Catherine Billings,	M.C.R. 6462
James Billings, et al.,	M.C.R. 7140
Fannie Talley, et al.,	M.C.R. 6463
John C. Billings,	M.C.R. 6815
Mary Edna Eppes, et al.,	M.C.R. 6432

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COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis Cornelius Jones,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Willis Cornelius Jones,	M.C.R. 6785
Arthur W. Jones, et al.,	M.C.R. 6756
J. Granville Cubage,	M.C.R. 7043
Fannie A. Highsmith, et al.,	M.C.R. 7036
Mary L. Diffie, et al.,	M.C.R. 7030
Granville Jones, et al.,	M.C.R. 7164
Isaac J. Jones, et al.,	M.C.R. 7165
Lee J. Chandler, et al.,	M.C.R. 7038
Claude L. Jones,	M.C.R. 7205
Mattie J. Chandler, et al.,	M.C.R. 7039
Guilford L. Jones,	M.C.R. 7042
Grace Palmer, et al.,	M.C.R. 7291
Nancy E. Wright, et al.,	M.C.R. 7031
Mary A. Deaton, et al.,	M.C.R. 7032
Richard L. Wright, et al.,	M.C.R. 7033
Ida Deaton, et al.,	M.C.R. 7061
Ada Runyan, et al.,	M.C.R. 7062
Rhoda Garner,	M.C.R. 7034
Sarah Jackson, et al.,	M.C.R. 6962
Mary Ann Yarbrough, et al.,	M.C.R. 6964
Cornelius Jackson,	M.C.R. 6967
William H. Jackson,	M.C.R. 6965
David Arthur Jackson,	M.C.R. 6985
Mattie Jeffreys,	M.C.R. 6986
Victoria Collins,	M.C.R. 6987
Malinda M. Keith, et al.,	M.C.R. 7035
Joseph W. Keith,	M.C.R. 6781
Julia A. Mathews, et al.,	M.C.R. 7415
James H. Ketchum,	M.C.R. 7040
Rushia A. Deaton,	M.C.R. 7337
Mary L. Ketchum, et al.,	M.C.R. 7037
Margaret A. Berry, et al.,	M.C.R. 6780
Richard Robert Alexander Jones, et al.,	M.C.R. 6779
John M. Jones,	M.C.R. 7092
Texanna Swarner, et al.,	M.C.R. 7293
Joseph W. Jones,	M.C.R. 7094
Lydia Parrish, et al.,	M.C.R. 7177
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Jolly Jones,	M.C.R. 7093
Josie Campbell,	M.C.R. 7176

Willis O. Carpenter, et al.,	M.C.R. 6946
Joe H. Brown,	M.C.R. 6917
Ardena E. Weaver, et al.,	M.C.R. 6947
Rhoda Weddle, et al.,	M.C.R. 6810
Charles L. Weddle,	M.C.R. 7041
Joseph Weddle,	M.C.R. 6811
Jim Jones, et al.,	M.C.R. 7383
Mary Jane Tucker, et al.,	M.C.R. 6948
William Andrew Tucker,	M.C.R. 6949
Belsora Tucker,	M.C.R. 6951
Jollie Tucker, et al.,	M.C.R. 6950
Andrew J. Meeks, et al.,	M.C.R. 7408
William S. Meeks, et al.,	M.C.R. 6588
John Thomas Draper,	M.C.R. 6410
Catherine Billings,	M.C.R. 6462
James Billings, et al.,	M.C.R. 7140
Fannie Talley, et al.,	M.C.R. 6463
John C. Billings,	M.C.R. 6815
Mary Edna Epps, et al.,	M.C.R. 6432.

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Willis Cornelius Jones for himself; by Arthur W. Jones for himself and his five minor children, Persis, Miriam, Erin, Granville and Moselle Jones; by J. Granville Cubage for himself; by Fannie A. Highsmith for herself and her five children, Willie C., Robert A., Mattie L., Isaac C. and Annie May Highsmith; by Mary L. Diffie for herself and her five minor children, Granville P., F. Dexter, Alfred J., Wilmar O. and Bailey W. Diffie; by Granville Jones for himself and his four minor children, Ella, Yancey, Bailey and Nora Jones; by Granville Jones for his brother, Isaac J. Jones and his four minor nieces and nephews, Ruth, Camille, Alfred and Jarrett Jones; by Mary L. Diffie for her sister Lee J. Chandler, and her five minor nieces and nephews, Rula, Brandon, Mack, Ernest and Paul Chandler; by Claude L. Jones for himself; by Mary L. Diffie for

her sister, Mattie J. Chandler, and her two minor nephews, Herbert and Rex Chandler; by Guilford L. Jones for himself; by Granville Jones for his sister, Grace Palmer, and his minor niece, Edith Palmer; by Nancy E. Wright for herself and her four minor children, Johnnie, Alice, Mittie and Willie Wright; by Mary A. Deaton for herself and her seven minor children, Osceola, Ada E., Gracie L., Eudora E., Cora E., Flora B. and Mittie C. Deaton; by Richard L. Wright for himself and his three minor children, Mattie, Albert and Cecil Wright; by Nancy E. Wright for her daughter, Ida Deaton, and her three minor grandchildren, Claudus, Horace and Lola Deaton; by Nancy E. Wright for her daughter, Ada Runyan, and her minor grandchild, Winnie H. Runyan; by Rhoda Garner for herself; by Sarah Jackson for herself and her three minor children, Henry H., Ivory and John Wiley Jackson; by Mary Ann Yarbrough for herself and her four minor children, Lena, Delia, Luella and Myrtie E. Yarbrough; by Cornelius Jackson for himself; by William H. Jackson for himself; by David Arthur Jackson for himself; by Mattie Jeffreys for herself; by Victoria Collins for herself; by Malinda M. Keith for herself and her eight minor children, Charles A., Virgil B., Eva, Isaac, Addie A., Myrtle, Mamie and Gordon Keith; by Joseph W. Keith for himself; by Doshier L. Mathews for his wife, Julia A. Mathews and his three minor children, Joseph James, Rossie Jane and Willis Henry Mathews; by James H. Ketchum for himself; by Rushia A. Deaton for herself; by Jesse M. Ketchum for his two minor children, Mary L. and Joseph G. Ketchum; by Margaret A. Berry for herself and her three minor children, Richard L., Mary P. and David G. Berry; by Richard Robert Alexander Jones for himself and his four minor children, Joseph Monroe, Willis Charles, Isaac Leonard and William Arthur Jones; by John N. Jones for himself; by John N. Jones for

his daughter, Texanna Swarner and his eight minor grandchildren, William, Maggie, Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner; by Joseph W. Jones for himself; by Lydia Parrish for herself and her six minor children, Efford, Lessie, Atoka, Chester, Omy and Otto Parrish; by John N. Jones for his six minor grandchildren, Edna, Annie, James, Walter, Lila and Mamie Garret; by Jolly Jones for himself; by Josie Campbell for herself; by Willis O. Carpenter for himself and his four minor children, Ollie Chester, Lula Jane, William Walter and Andy Lee Carpenter; by Andy R. Brown for his minor child, Joe H. Brown; by Ardena E. Weaver, for herself and her minor child, Elmer Weaver; by Rhoda Weddle for herself and her two minor children, Christopher C. and Letitia A. Weddle; by Charles L. Weddle for himself; by Joseph Weddle for himself; by Jim Jones for himself and his five minor children, James Z., Lucy Jane, Joe, Carrie and Willie Jones; by Mary Jane Tucker for herself, her four minor children, Fred E., Clifford D., Ira Elliot and Ennis Tucker, and her two minor grandchildren, Thelma Ethel and Alma E. Jones; by William Andrew Tucker for himself; by Belzora Tucker for herself; by Jollie Tucker for himself and his minor child, Gracie E. Tucker; by Andrew J. Meeks for himself and his six minor children, Eddie S., Joyce, Ollie, Bessie, Beryl and Jessie Meeks; by William S. Meeks for himself and his five minor children, Willie Effie, Ola P., Owen H., Clide and Grace Meeks; by John Thomas Draper for himself; by Catherine Billings for herself; by James Billings for himself and his three minor children, Emma, William L. and Walter Billings; by Fannie Talley for herself and her minor child, John William Talley; by John C. Billings for himself; and by Maggie Edea Eppes for herself and her two minor children, Joseph William and Mary Louisa Eppes, under the following provision of the act of Congress approved June 28, 1898 (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in M.C.R. 6948, 6649, 6950 and 6810, and the minor applicants in M.C.R. 7140, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Rebecca (or Rebecka, or Becky) Jones, nee Box (or Bop), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, through her son, Robert Jones, who is alleged to have been a quarter blood Choctaw Indian, and both to have resided in Mississippi in eighteen hundred and thirty; that the applicants in M.C.R. 6948, 6649, 6950 and 6810 claim said rights by reason of being descendants of the first named ancestors and William (or William Andrew, or Billy, or Bill, or Andy) Jones, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty; and that the minor applicants in M.C.R. 7140 claim said rights by reason of being descendants of the said Rebecca (or Rebecka, or Becky) Jones and Arrie Billings, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the ones above given, who, they allege, was the paternal great-grandfather of the principal applicant herein, but as they are only able to give the surname of this ancestor, it is, therefore, impossible for

the Commission to determine whether or not that ancestor was a beneficiary under the provisions of said article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the names Bop appears on page 46, Robert Jones on page 122, Robert M. Jones on page 76 and William Jones on page 118 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Nitachachee's, Mushulatubbe's and Greenwood LeFlore's Districts in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name Robert Jones also appears on page 139 of said record in "a list of claims allowed under the treaty in Greenwood LeFlore's District" as having been provided for in the supplement of said treaty, and the name William Jones is also found on page 138 of said record and in a list of claims apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the per-

sons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rebecca (or Rebecka, or Becky) Jones, nee Box (or Bop), or Robert Jones, or William (or William Andrew, or Billy, or Bill, or Andy) Jones, or Arrie Billings, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willis Cornelius Jones, Arthur W. Jones, Persis Jones, Miriam Jones, Erin Jones, Granville Jones, Mozelle Jones, J. Granville Cubage, Fannie A. Highsmith, Willa C. Highsmith, Robert A. Highsmith, Mattie L. Highsmith, Isaac C. Highsmith, Anna May Highsmith, Mary L. Diffie, Granville P. Diffie, F. Dexter Diffie, Alfred J. Diffie, Wilmar O. Diffie, Bailey W. Diffie, Granville Jones, Ella Jones, Yancey Jones, Bailey Jones, Nora Jones, Isaac J. Jones, Ruth Jones, Camille Jones, Alfred Jones, Jarrett Jones, Lee J. Chandler, Eula Chandler, Brandon Chandler, Mack Chandler, Ernest Chandler, Paul Chandler, Claude L. Jones, Mattie J. Chandler, Horbert Chandler, Rex Chandler, Guilford L. Jones, Grace Palmer, Edith Palmer, Nancy E. Wright, Johnnie Wright, Alice Wright, Mittie Wright, Willie Wright, Mary A. Deaton, Osceola Deaton, Ada E. Deaton, Gracie L. Deaton, Rudora E. Deaton,

Cora E. Deaton, Flora B. Deaton, Mittie C. Deaton, Richard L. Wright, Mattie Wright, Albert Wright, Cecil Wright, Ida Deaton, Claudus Deaton, Horace Deaton, Lola Deaton, Ada Runyan, Winnie H. Runyan, Rhoda Garner, Sarah Jackson, Henry H. Jackson, Ivory Jackson, John Wiley, Mary Ann Yarbrough, Lena Yarbrough, Della Yarbrough, Luella Yarbrough, Myrtle E. Yarbrough, Cornelius Jackson, William H. Jackson, David Arthur Jackson, Mattie Jeffreys, Victoria Collins, Malinda M. Keith, Charles A. Keith, Virgil B. Keith, Eva Keith, Isaac Keith, Addie A. Keith, Myrtle Keith, Mamie Keith, Gordon Keith, Joseph W. Keith, Julia A. Mathews, Joseph James Mathews, Rossie Jane Mathews, Willis Henry Mathews, James H. Ketchum, Rushia A. Deaton, Mary L. Ketchum, Joseph G. Ketchum, Margaret A. Berry, Richard L. Berry, Mary P. Berry, David C. Berry, Richard Robert Alexander Jones, Joseph Monroe Jones, Willis Charles Jones, Isaac Leonard Jones, William Arthur Jones, John B. Jones, Texanna Swarner, William Swarner, Maggie Swarner, Luther Swarner, Clyde Swarner, Arthur Swarner, Myrtle Swarner, Addison Swarner, Robert Swarner, Joseph W. Jones, Lydia Parrish, Efford Parrish, Lessie Parrish, Atoka Parrish, Chester Parrish, Omy Parrish, Otto Parrish, Edna Garret, Annie Garret, James Garret, Walter Garret, Lila Garret, Mamie Garret, Jolly Jones, Jpsie Campbell, Willis O. Carpenter, Ollie Chester Carpenter, Lula Jane Carpenter, William Walter Carpenter, Andy Lee Carpenter, Joe H. Brown, Ardena B. Weaver, Elmer Weaver, Rhoda Weddle, Christopher G. Weddle, Letitia A. Weddle, Charles L. Weddle, Joseph Weddle, Jim Jones, James Z. Jones, Lucy Jane Jones, Joe Jones, Carrie Jones, Willie Jones, Mary Jane Tucker, Fred E. Tucker, Clifford D. Tucker, Ira Elliot Tucker, Zennie Tucker,

Thelma Ethel Jones, Alma E. Jones, William Andrew Tucker, Belsora Tucker, Jollie Tucker, Gracie E. Tucker, Andrew J. Meeks, Eddie S. Meeks, Joyce Meeks, Ollie Meeks, Bessie Meeks, Beryl Meeks, Jessie Meeks, William S. Meeks, Willie Effie Meeks, Ola P. Meeks, Owen H. Meeks, Clide Meeks, Grace Meeks, John Thomas Draper, Catherine Billings, James Billings, Emmer Billings, William L. Billings, Walter Billings, Fannie Talley, John William Talley, John C. Billings, Mary Edna Eppes, Joseph William Eppes and Mary Louisa Eppes, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 14 1904.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

819
In the matter of the application of Willis O. Jones, et al.,
for identification as Mississippi Choctaws, M.O.R. 6755.

DECISION ON MOTION FOR RECONSIDERATION.

It appears from the records of the Commission that on March 14, 1904, this Commission rendered its decision in the above entitled cause refusing the applications of the applicants therein for identification as Mississippi Choctaws; that on March 17, 1904, the attorneys for the Choctaw and Chickasaw Nations and the attorneys for the applicants were duly notified of said action.

On April 20, 1904, a motion was filed by M. S. Cobb and S. B. Dawes, attorneys for the applicants in the above untitled cause for the reconsideration of the decision of the Commission of March 14, 1904, accompanied by proof of service of the same on Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, said motion and proof of service being attached hereto.

In support of said motion the attorneys for the applicants state that the decision of the Commission in said case is not supported by the evidence. No allegation of fraud is made, nor

do they offer to produce additional testimony which will have any bearing upon said case, the object being that a reconsideration of the decision of the Commission will bring about a different result.

In the matter of the Creek contest allotment case No. 170, wherein a motion for review has been filed, the Department held, in its letter of October 8, 1900 (I.T.D.2362-3315-1900) that "a motion for review will not be granted on the ground that a reexamination of the evidence may bring about a different result." Again, in the Creek contest allotment case No. 168,,the Department, in its letter of September 6, 1902 (I.T.D.3269-1902) states "as the applicant does not present facts not previously discussed or involved in the case, and calls attention to no law not heretofore considered, the motion is hereby denied."

The Commission is therefore of the opinion that no proper showing has been made for the granting of the motion herein, and it is therefore ordered that the motion filed herein for the reconsideration of this case be denied.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby.

Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory.

MAY 28 1903

M.C.R. 6755.

Muskogee, Indian Territory, March 4, 1905.

Messrs. Cobb & Carl,

Attorneys-at-Law,

Hot Springs, Arkansas.

Gentlemen:

Receipt is hereby acknowledged of your letter of recent date enclosing copy of direct interrogatories to be propounded to John H. Jones, Amity, Arkansas, Adaline Whitlock, Hot Springs, Arkansas, Mary Jones, New Hope, Pike County, Arkansas, Green B. Whitlock, Hot Springs, Arkansas and _____ Rider, Sulphur, Montgomery County, Arkansas, witnesses in the consolidated Mississippi Choctaw case of Willis C. Jones, et al., together with proof of service of a copy of the interrogatories aforesaid on the attorneys for the Choctaw and Chickasaw Nations.

The applications to take the depositions of the witnesses above named being in due form, will be held the fifteen days for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, at the expiration of which time commissions will be issued for the taking of depositions and will be forwarded to you to be placed in the hands of an officer authorized to take depositions.

Respectfully,

Chairman.

M C R 7004
M C R 6755

Muskege, Indian Territory, April 24, 1903.

M. S. Cobb,

Attorney at Law,

Hot Springs, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask for an extension of time until June 1, 1903, in the consolidated Mississippi Choctaw cases of Willis C. Jones, et al. and Henry C. Townsend, et al.

In compliance with your request, there is herewith enclosed you copies of decisions of the Commission granting said continuance.

Respectfully,

McK 300

Muskogee, Indian Territory, April 24, 1903.

E. B. Davis,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, asking for a continuance of thirty days in the consolidated Mississippi Ghostaw case of Willis C. Jones, et al.

In reply you are informed that the Commission has on this date, upon motion made by M. S. Cobb, attorney for applicants herein, granted a continuance in said case until Monday, June 1, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 25, 1903.

S. B. Dawes,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing certified copy of marriage record between James D. Cubage and Melinda A. Jones, offered in support of the Mississippi Chootaw case of Malinda A. Cubage, et al.

Also certified copy of marriage record between Charles P. Palmer and Gracie Jones, offered in support of the Mississippi Chootaw case of Grace Palmer, et al.

Also certified copy of marriage license and certificate between Henry P. Keith and Mary M. Jones, offered in support of the Mississippi Chootaw case of Malinda M. Keith, et al.

Also certified copy of marriage record between I. J. Jones and Maides Bartherton Payne, offered in support of the Mississippi Chootaw case of Isaac J. Jones, et al.

Also certified copy of marriage record between William H. Highsmith and Fannie A. Jones, offered in support of the Mississippi Chootaw case of Fannie A. Highsmith, et al.

Also marriage license and certificate between D. L. Weaver and Ardenia E. Carpenter, offered in support of the Missis-

S B D 2

Mississippi Choctaw case of Ardena H. Weaver, et al.

Also marriage license and certificate between R. L. Wright and Amanda Rucker, offered in support of the Mississippi Choctaw case of Richard L. Wright, et al.

Also marriage license and certificate between Granville W. Jones and Alice Timms, offered in support of the Mississippi Choctaw case of Granville Jones, et al.

In your letter you request that copies be made of the above mentioned documents and the originals returned you.

In compliance with your request said papers are herewith returned, copies of the same have been made and filed in the respective cases.

Respectfully,

Chairman.

McM 00

nr 6725

COPY

Stuart I T

May the 31 1903

Mr Bebghey

Deare Sir I will ask you for a little immatian Can I
witch draw the applycatan what I made in february for a Mississippi
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get it take it case on the evidance hase bin percented sufichen to
supstance the matter to in title me to in rolement I hope you will
excanit it closely take it in considratian and place said names one
the role on Chocktaw by blood as the prof will shoe you we are I
have bin rongley informed it hase bin my undern standing that said
said names was one the rol and diden now anny better untill I wer up
thire in february and found out I was en and was told that I had better
made applycatian as Mississippi Chocktaw Partey that was working
a gin me thay said that thay new my people and thay was Mississippi
Chocktaw and when I put the athe to them they diden naw they said
that I was a Chocktaw by blood but not a Mississippi Chocktaw my
people was bornd and raze in the Chocktaw natian my mother was a
Chocktaw by blood (turn over) my father was a white man I have it
I would like to now right a way a bout this matter so I could see a
bout filling I would like to now weatcher my father is one the rold
or not as a inter marge sittern I have a ways bin recnize by the
Chocktaw nation by Green Mack Curtan he has non me ever sin I was a

-2-

little child I would be glad to now right a way what you can do a
bout it you will find said name filde be fore the Commichen
John P Jones. Janey Ann Jones Lafatt Neel Jones Joespleen Jones
Mary Elizzie Beath Jones

exouze the bad writen as I cant write my self I haft to
de pend one other people doing my writin if imfen babbys is received
now I would like to have a blank Please write to me at once a bout
this matter so I can be seenig a bout it so I will close for this
time hoping to hear from you soon yourn turley

John F Jones.

Muskogee, Indian Territory, July 9, 1903.

John F. Jones,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, requesting that the evidence which you have offered in support of your application for the enrollment of yourself and family as citizens of the Choctaw Nation, be considered in connection with said application for enrollment, and not transferred to the record in the matter of your application for the identification of yourself and children as Mississippi Choctaws, as requested by you at the time you made personal appearance to this Commission for such identification February 24, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 15, 1903.

S. B. Dawes,

Attorney-at-law,

Muskogee, Indian Territory.

Dear Sir:

Enclosed please find commission to take the deposition of Esther Johnson, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Willis C. Jones, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #0.

Commissioner in Charge.

Muskogee, Indian Territory, July 3, 1903.

M. S. Cobb,
Attorney-at-Law,
Hot Springs, Arkansas.

Sir:

The Commission is in receipt of the affidavit of Willis C. Jones wherein he sets forth his reasons for desiring to have a certain deposition taken in support of the application which he made in behalf of himself as a Mississippi Choctaw; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form, have been filed with and made a part of the record in the application of Willis C. Jones, et al., M.C.R. 6755, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

Muskogee (Ark August 10th 1903
To the Commission to Fine civilized. tribes

Muskogee Indian. Secretary

You will Please. find in closed
Depositions of Ed. Hill I have taken
them the list I could of there is
thing wrong about them you can let
Mr. Hancock. I would of started them
sooner but we only have three mails a
week. This = ~~there~~ Sat =

Yours Truly
G. M. Gladden

M.C.R. 6755.

Muskegee, Indian Territory, August 1, 1903.

S. B. Dawes,
Attorney-at-Law,
Hot Springs, Arkansas.

Sir:

Enclosed please find commission to take the deposition of Ed Hill, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Willis C. Jones, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure)
J.D. #1.

Commissioner in Charge.

M C R 6755

Muskogee, Indian Territory, August 15, 1903.

S. B. Dawes,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and M. S. Cobb, dated August 13, 1903, wherein you ask that you be allowed until September 15, 1903, to introduce further evidence in support of the Mississippi Choctaw application of Willis C. Jones, et al.

In reply you are informed that your request has this day been complied with.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 21, 1903.

S. B. Dawes,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of August 17, enclosing the affidavit of Willis C. Jones, wherein he sets forth his reasons for desiring to have a certain deposition taken in support of his application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Willis C. Jones, et al., M.C.R. 6755, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations a commission will be issued for the taking of this deposition and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M.C.R. 6755.

Muskogee, Indian Territory, September 2, 1903.

S. B. Dawes,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Enclosed please find commission to take the deposition of Oliver Jones, the same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Willis G. Jones, pending before the Commission to the Five Civilized Tribes. Attached to this commission are direct and cross-interrogatories to be propounded to said witness, also caption and certificate, which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return the same to this Commission, in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Commissioner in Charge.

Enclosure

A.L.I. 10.

M C R 6755

Muskogee, Indian Territory, February 16, 1904.

Arthur W. Jones,
Comanche, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask the status of the consolidated Mississippi Choctaw case of Willis C. Jones, et al.

In reply you are informed that up to the present time no opinion or decision has been reached relative to the rights of the several applicants included in this case to be identified as Mississippi Choctaws. When a decision is rendered the applicants will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R.6755

Muskogee, Indian Territory, March 17, 1904.

Willis Cornelius Jones,

Hot Springs, Arkansas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY:

M.C.R.6755

Muskogee, Indian Territory, March 17, 1904.

S. B. Dawes,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willie Cornelius Jones, et al., which embraces the following cases:

Willie Cornelius Jones,	M.C.R.6755.
Arthur W. Jones, et al.,	M.C.R.6756.
J. Granville Cubage,	M.C.R.7043.
Fannie A. Highsmith, et al.,	M.C.R.7036.
Mary L. Diffie, et al.,	M.C.R.7030.
Granville Jones, et al.,	M.C.R.7164.
Isaac J. Jones, et al.,	M.C.R.7165.
Lee J. Chandler, et al.,	M.C.R.7038.
Claude L. Jones,	M.C.R.7206.
Mattie J. Chandler, et al.,	M.C.R.7039.
Guilford L. Jones,	M.C.R.7042.
Grace Palmer, et al.,	M.C.R.7291.
Nancy E. Wright, et al.,	M.C.R.7031.
Mary A. Deaton, et al.,	M.C.R.7032.
Richard L. Wright, et al.,	M.C.R.7033.
Ida Deaton, et al.,	M.C.R.7061.
Ada Runyan, et al.,	M.C.R.7062.
Rhoda Garner,	M.C.R.7034.
Sarah Jackson, et al.,	M.C.R.6962.
Mary Ann Yarbrough, et al.,	M.C.R.6964.
Cornelius Jackson,	M.C.R.6967.
William H. Jackson,	M.C.R.6965.
David Arthur Jackson,	M.C.R.6985.

Mattie Jeffreys,	M.O.R. 6986.
Victoria Collins,	M.O.R. 6987.
Malinda M. Keith, et al.,	M.C.R. 7035.
Joseph W. Keith,	M.C.R. 6781.
Julia A. Mathews, et al.,	M.C.R. 7415.
James H. Ketchum,	M.C.R. 7040.
Rushia A. Deaton,	M.O.R. 7337.
Mary L. Ketchum, et al.,	M.C.R. 7037.
Margaret A. Berry, et al.,	M.O.R. 6780.
Richard Robert Alexander Jones, et al.,	M.O.R. 6779.
John E. Jones,	M.C.R. 7092.
Texanna Swarner, et al.,	M.C.R. 7293.
Joseph W. Jones,	M.C.R. 7094.
Lydia Parrish, et al.,	M.C.R. 7177.
Edna Garret, et al.,	M.O.R. 7292.
Jolly Jones,	M.C.R. 7093.
Josie Campbell,	M.O.R. 7176.
Willis O. Carpenter, et al.,	M.O.R. 6946.
Joe H. Brown,	M.C.R. 6917.
Ardona E. Weaver, et al.,	M.O.R. 6947.
Rhoda Weddle, et al.,	M.C.R. 6810.
Charles L. Weddle,	M.C.R. 7041.
Joseph Weddle,	M.C.R. 6811.
Jim Jones, et al.,	M.O.R. 7383.
Mary Jane Tucker, et al.,	M.C.R. 6948.
William Andrew Tucker,	M.C.R. 6949.
Belzora Tucker,	M.C.R. 6951.
Jollie Tucker, et al.,	M.C.R. 6950.
Andrew J. Meeks, et al.,	M.O.R. 7408.
William S. Meeks, et al.,	M.O.R. 6588.
John Thomas Draper,	M.C.R. 6410.
Catherine Billings,	M.C.R. 6462.
James Billings, et al.,	M.O.R. 7140.
Fannie Talley, et al.,	M.C.R. 6463.
John O. Billings,	M.O.R. 6815.
Mary Edna Appes, et al.,	M.O.R. 6432.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments

S. B. D., 3.

as may be filed, will be forwarded to the Secretary of the Interior
through the Commission of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered.

COPY:

M.C.R.6755

Muskogee, Indian Territory, March 17, 1904.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., which embraces the following cases:

Willis Cornelius Jones,	M.C.R.6755.
Arthur W. Jones, et al.,	M.C.R.6756.
J. Granville Cubage,	M.C.R.7043.
Fannie A. Highsmith, et al.,	M.C.R.7036.
Mary L. Diffie, et al.,	M.C.R.7030.
Granville Jones, et al.,	M.C.R.7164.
Isaac J. Jones, et al.,	M.C.R.7165.
Lee J. Chandler, et al.,	M.C.R.7038.
Claude L. Jones,	M.C.R.7205.
Mattie J. Chandler, et al.,	M.C.R.7039.
Guilford L. Jones,	M.C.R.7042.
Grace Palmer, et al.,	M.C.R.7291.
Nancy K. Wright, et al.,	M.C.R.7031.
Mary A. Deaton, et al.,	M.C.R.7032.
Richard L. Wright, et al.,	M.C.R.7033.
Ida Deaton, et al.,	M.C.R.7061.
Ada Runyan, et al.,	M.C.R.7062.
Rhoda Garner,	M.C.R.7034.
Sarah Jackson, et al.,	M.C.R.6962.
Mary Ann Yarbrough, et al.,	M.C.R.6964.
Cornelius Jackson,	M.C.R.6967.
William H. Jackson,	M.C.R.6965.

David Arthur Jackson,	M.C.R. 6985.
Mattie Jeffreys,	M.C.R. 6986.
Victoria Collins,	M.C.R. 6987.
Malinda M. Keith, et al.,	M.C.R. 7035.
Joseph W. Keith,	M.C.R. 6781.
Julia A. Mathews, et al.,	M.C.R. 7415.
James H. Ketchum,	M.C.R. 7040.
Rushia A. Deaton,	M.C.R. 7337.
Mary L. Ketchum, et al.,	M.C.R. 7037.
Margaret A. Berry, et al.,	M.C.R. 6780.
Richard Robert Alexander Jones, et al.,	M.C.R. 6779.
John N. Jones,	M.C.R. 7092.
Texanna Swarner, et al.,	M.C.R. 7293.
Joseph W. Jones,	M.C.R. 7094.
Lydia Parrish, et al.,	M.C.R. 7177.
Edna Garret, et al.,	M.C.R. 7292.
Jolly Jones,	M.C.R. 7093.
Jessie Campbell,	M.C.R. 7176.
Willis O. Carpenter, et al.,	M.C.R. 6946.
Joe H. Brown,	M.C.R. 6917.
Ardena E. Weaver, et al.,	M.C.R. 6947.
Rhoda Weddle, et al.,	M.C.R. 6810.
Charles L. Weddle,	M.C.R. 7041.
Joseph Weddle,	M.C.R. 6811.
Jbm Jones, et al.,	M.C.R. 7383.
Mary Jane Tucker, et al.,	M.C.R. 6948.
William Andrew Tucker,	M.C.R. 6949.
Belsora Tucker,	M.C.R. 6951.
Jollie Tucker, et al.,	M.C.R. 6950.
Andrew J. Meeks, et al.,	M.C.R. 7408.
William S. Meeks, et al.,	M.C.R. 6588.
John Thomas Draper,	M.C.R. 6410.
Catherine Billings,	M.C.R. 6462.
James Billings, et al.,	M.C.R. 7140.
Fannie Talloy, et al.,	M.C.R. 6463.
John C. Billings,	M.C.R. 6815.
Mary Edna Kppen, et al.,	M.C.R. 6432.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments

M. S. O., 3.

as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY

Muskogee, Indian Territory, March 17, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 17, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., which embraces the following cases:

Willis Cornelius Jones,	M.C.R. 6755
Arthur W. Jones et al.,	M.C.R. 6756
J. Granville Cubage,	M.C.R. 7043
Fannie A. Highsmith et al.,	M.C.R. 7036
Mary L. Diffie et al.,	M.C.R. 7030
Granville Jones et al.,	M.C.R. 7164
Isaac J. Jones et al.,	M.C.R. 7166
Lee J. Chandler et al.,	M.C.R. 7038
Claude L. Jones,	M.C.R. 7208
Mattie J. Chandler et al.,	M.C.R. 7039
Guilford L. Jones,	M.C.R. 7042
Grace Palmer et al.,	M.C.R. 7291
Nancy E. Wright et al.,	M.C.R. 7031
Mary A. Deaton et al.	M.C.R. 7032
Richard L. Wright et al.,	M.C.R. 7033
Ida Deaton et al.,	M.C.R. 7061
Ada Runyan et al.,	M.C.R. 7062
Rhoda Garner,	M.C.R. 7034
Sarah Jackson et al.,	M.C.R. 6962
Mary Ann Yarbrough et al.,	M.C.R. 6964
Cornelius Jackson,	M.C.R. 6967
William H. Jackson,	M.C.R. 6968
David Arthur Jackson,	M.C.R. 6968
Mattie Jeffreys,	M.C.R. 6986
Victoria Collins,	M.C.R. 6987

Malinda M. Keith et al.,	M.C.R. 7036
Joseph W. Keith,	M.C.R. 6781
Julia A. Mathews et al.,	M.C.R. 7415
James H. Ketchum,	M.C.R. 7040
Rushia A. Deaton	M.C.R. 7337
Mary L. Ketchum et al.,	M.C.R. 7037
Margaret A. Berry et al.,	M.C.R. 6780
Richard Robert Alexander Jones et al.,	M.C.R. 6779
John H. Jones,	M.C.R. 7092
Texanna Swarner et al.,	M.C.R. 7293
Joseph W. Jones,	M.C.R. 7094
Lydia Parrish et al.,	M.C.R. 7177
Edna Garret et al.,	M.C.R. 7292
Jolly Jones,	M.C.R. 7093
Josie Campbell,	M.C.R. 7176
Willis O. Carpenter et al.,	M.C.R. 6946
Joe H. Brown,	M.C.R. 6917
Ardena E. Weaver et al.,	M.C.R. 6947
Rhoda Weddle et al.,	M.C.R. 6810
Charles L. Weddle,	M.C.R. 7041
Joseph Weddle,	M.C.R. 6811
Jim Jones et al.,	M.C.R. 7383
Mary Jane Tucker et al.,	M.C.R. 6948
William Andrew Tucker,	M.C.R. 6949
Belzora Tucker,	M.C.R. 6951
Jollie Tucker et al.,	M.C.R. 6950
Andrew J. Meeks et al.,	M.C.R. 7408
William S. Meeks et al.,	M.C.R. 6588
John Thomas Draper,	M.C.R. 6410
Catherine Billings,	M.C.R. 6462
James Billings et al.,	M.C.R. 7140
Fannie Talley et al.,	M.C.R. 6463
John C. Billings,	M.C.R. 6815
Mary Edna Eppes et al.,	M.C.R. 6432.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

C. R. Breckinridge.

Registered.

Commissioner in Charge.

COPY:

M.C.R.6755

Muskogee, Indian Territory, March 17, 1904.

T. J. Cole,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., which embraces the following cases:

Willis Cornelius Jones,	M.C.R.6755.
Arthur W. Jones, et al.,	M.C.R.6756.
J. Granville Cubage,	M.C.R.7043.
Fannie A. Highsmith, et al.,	M.C.R.7036.
Mary L. Diffie, et al.,	M.C.R.7030.
Granville Jones, et al.,	M.C.R.7164.
Isaac J. Jones, et al.,	M.C.R.7165.
Lee J. Chandler, et al.,	M.C.R.7038.
Claude L. Jones,	M.C.R.7206.
Mattie J. Chandler, et al.,	M.C.R.7039.
Guilford L. Jones,	M.C.R.7042.
Grace Palmer, et al.,	M.C.R.7291.
Nancy E. Wright, et al.,	M.C.R.7031.
Mary A. Deaton, et al.,	M.C.R.7032.
Richard L. Wright, et al.,	M.C.R.7033.
Ida Deaton, et al.,	M.C.R.7061.
Ada Runyan, et al.,	M.C.R.7062.
Rhoda Garner,	M.C.R.7034.
Sarah Jackson, et al.,	M.C.R.6962.
Mary Ann Yarbrough, et al.,	M.C.R.6964.
Cornelius Jackson,	M.C.R.6967.
William H. Jackson,	M.C.R.6965.

David Arthur Jackson,	M.C.R. 6985.
Mattie Jeffreys,	M.C.R. 6986.
Victoria Collins,	M.C.R. 6987.
Malinda M. Keith, et al.,	M.C.R. 7036.
Joseph W. Keith,	M.C.R. 6781.
Julia A. Mathews, et al.,	M.C.R. 7416.
James H. Ketchum,	M.C.R. 7040.
Rushia A. Deaton,	M.C.R. 7337.
Mary L. Ketchum, et al.,	M.C.R. 7037.
Margaret A. Berry, et al.,	M.C.R. 6780.
Richard Robert Alexander Jones, et al.,	M.C.R. 6779.
John M. Jones,	M.C.R. 7092.
Texanna Searner, et al.,	M.C.R. 7293.
Joseph W. Jones,	M.C.R. 7094.
Lydia Parrish, et al.,	M.C.R. 7177.
Edna Garret, et al.,	M.C.R. 7292.
Jolly Jones,	M.C.R. 7093.
Jonie Campbell,	M.C.R. 7176.
Willis O. Carpenter, et al.,	M.C.R. 6946.
Joe H. Brown,	M.C.R. 6917.
Ardena M. Souver, et al.,	M.C.R. 6947.
Rhoda Weddle, et al.,	M.C.R. 6810.
Charles L. Woddle,	M.C.R. 7041.
Joseph Woddle,	M.C.R. 6811.
Jim Jones, et al.,	M.C.R. 7383.
Mary Jane Tucker, et al.,	M.C.R. 6948.
William Andrew Tucker,	M.C.R. 6949.
Bolzora Tucker,	M.C.R. 6951.
Jollie Tucker, et al.,	M.C.R. 6950.
Andrew J. Hooks, et al.,	M.C.R. 7408.
William S. Meeks, et al.,	M.C.R. 6588.
John Thomas Draper,	M.C.R. 6410.
Catherine Billings,	M.C.R. 6462.
James Billings, et al.,	M.C.R. 7140.
Fannie Talley, et al.,	M.C.R. 6463.
John C. Billings,	M.C.R. 6815.
Mary Edna Eppes, et al.,	M.C.R. 6432.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments

T. J. O., 3.

as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SGW:1

C. R. Freckinridge.

Commissioner in Charge.

Registered.

COPY-

Muskogee, Indian Territory, March 17, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 14, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willie Cornelius Jones, et al.

You are hereby advised that you and the applicants in this case will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge,
Commissioner in Charge.

Enc. : MOR-6755.

M.C.R.6755

Muskogee, Indian Territory, April 1, 1904.

S. B. Dawes,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask that you be granted extension of time in the Mississippi Choctaw case of Willis C. Jones, et al., until April 20, 1904, in which to file brief and argument in this and associate cases.

In reply you are advised that your request has been granted, and you will be allowed up to and inclusive of Wednesday, April 20, 1904, in which to submit such brief and argument as you may desire, notice of filing of such papers being first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 1, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that S. B. Dawes, attorney-at-law, Muskogee, Indian Territory, has been granted an extension of time, until April 20, 1904, within which to file brief and argument in the Mississippi Choctaw case of Willis C. Jones, et al.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T., April 20, 1904.

received of the Commission to the Five Civilized Tribes
one copy of the testimony in each of the cases in the consolidated
Mississippi Choctaw case of Willis C. Jones, et al.

Attorney for applicants.

By

Adams
M. C. Cummings

M.C.R.6755

Muskogee, Indian Territory, May 31, 1904.

S. B. Dawes,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You will find enclosed herewith a copy of the decision of this Commission denying your motion for the reconsideration of the decision of the Commission rendered March 14, 1904, in the case of Willis C. Jones, et al., M.C.R.6755, applicants for identification as Mississippi Choctaws.

Respectfully,

Chairman,

JYM-72.

Muskogee, Indian Territory, June 18, 1904.

S. B. Dawos,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing motion of Willis C. Jones for the reconsideration of the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis C. Jones, et al.

Said motion is herewith returned you, as the record in this case, together with the Commission's decision was, on May 31, 1904, forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

JYM-82.

COPY.

Muskogee, Indian Territory, May 31st, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Willis Cornelius Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 14, 1904.

The above consolidated case embraces the following original applications heard by the Commission.

Willis Cornelius Jones,	M C R 6756
Arthur W. Jones, et al.,	M C R 6756
J. Granville Cubage,	M C R 7043
Fannie A. Highsmith, et al.,	M C R 7036
Mary L. Diffie, et al.,	M C R 7030
Granville Jones, et al.,	M C R 7164
Isaac J. Jones, et al.,	M C R 7165
Lee J. Chandler, et al.,	M C R 7038
Claude L. Jones,	M C R 7208
Mattie J. Chandler, et al.,	M C R 7039
Guilford L. Jones,	M C R 7042
Grace Palmer, et al.,	M C R 7291
Nancy E. Wright, et al.,	M C R 7031
Mary A. Deaton, et al.,	M C R 7032
Richard L. Wright, et al.,	M C R 7033
Ida Deaton, et al.,	M C R 7061
Ada Hunyan, et al.,	M C R 7062
Rhoda Garner,	M C R 7034
Sarah Jackson, et al.,	M C R 6962
Mary Ann Yarbrough, et al.,	M C R 6964
Cornelius Jackson,	M C R 6967

Secretary, -2-

William H. Jackson,	M C R 6966
David Arthur Jackson,	M C R 6985
Mattie Jeffreys,	M C R 6986
Victoria Collins,	M C R 6987
Malinda M. Keith, et al.,	M C R 7035
Joseph W. Keith,	M C R 6781
Julia A. Mathews, et al.,	M C R 7416
James H. Ketchum,	M C R 7040
Rushia A. Deaton,	M C R 7337
Mary L. Ketchum, et al.,	M C R 7037
Margaret A. Berry, et al.,	M C R 6780
Richard Robert Alexander Jones, et al.,	M C R 6779
John N. Jones,	M C R 7092
Texanna Swarner, et al.,	M C R 7293
Joseph W. Jones,	M C R 7094
Lydia Parrish, et al.,	M C R 7177
Edna Garret, et al.,	M C R 7292
Jolly Jones,	M C R 7093
Josie Campbell,	M C R 7176
Willis O. Carpenter, et al.,	M C R 6946
Joe H. Brown,	M C R 6917
Ardana E. Weaver, et al.,	M C R 6947
Rhoda Weddle, et al.,	M C R 6810
Charles L. Weddle,	M C R 7041
Joseph Weddle,	M C R 6811
Jim Jones, et al.,	M C R 7383
Mary Jane Tucker, et al.,	M C R 6948
William Andrew Tucker,	M C R 6949
Belzora Tucker,	M C R 6951
Jellie Tucker, et al.,	M C R 6950
Andrew J. Meeks, et al.,	M C R 7408
William S. Meeks, et al.,	M C R 6588
John Thomas Draper,	M C R 6410
Catherine Billings,	M C R 6462
James Billings, et al.,	M C R 7140
Fannie Talley, et al.,	M C R 6453
John C. Billings,	M C R 6815
Mary Edna Epps, et al.,	M C R 6432

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies

Secretary,-3-

of said letters being attached to the record.

There is also transmitted herewith a motion for reconsideration of this case, filed by M. S. Cobb and S. B. Dawes, attorneys for the applicants, and the decision of the Commission, dated May 28, 1904, denying said motion.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Mary A. Sparks et al., (M.C.R. 5735), decision in which was rendered by the Commission on January 7, 1903, and forwarded to the Secretary of the Interior on January 23, 1903.

Respectfully,

(SIGNED)

Tame Lacey
Chairman.

Through the
Commissioner of Indian Affairs.

3 Incl. MCR 6755.

Refer in reply
to the follow-
ing: Land
37041-1904
71261-1904.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, December 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 31, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Willis Cornelius Jones for himself; by Arthur W. Jones for himself and his five minor children, Persis, Miriam, Erin, Granville and Roselle Jones; by J. Granville Cubage for himself; by Fannie A. Highsmith for herself and her five children, Willia C., Robert A., Mattie L., Isaac C. and Anna May Highsmith; by Mary L. Diffie for herself and her five minor children, Granville P., F. Dexter, Alfred J., Wilmar O and Bailey W. Diffie; by Granville Jones for himself and his four minor children, Ella, Yancy, Bailey and Lora Jones; by Granville Jones for his brother, Isaac J. Jones and his four minor nieces and nephews, Ruth, Camille, Alfred and Jarrett Jones; by Mary L. Diffie for her sister Lee J. Chandler, and her five minor nieces and nephews, Lula, Brandon, Mack, Ernest and Paul Chandler; by Claude L. Jones for himself; by Mary L. Diffie for her sister, Mattie J. Chandler, and her two

minor nephews, Herbert and Rex Chandler; by Guilford L. Jones for himself; by Granville Jones for his sister, Grace Palmer, and his minor niece, Edith Palmer; by Nancy E. Wright for herself and her four minor children, Johnnie, Alice, Mittie and Willie Wright; by Mary A. Deaton for herself and her seven minor children, Osceola, Ada E., Gracie L., Rudora E., Cora E., Flora B. and Mittie C. Deaton; by Richard L. Wright for himself and his three minor children, Mattie, Albert and Cecil Wright; by Nancy E. Wright for her daughter, Ida Deaton, and her three minor grandchildren, Claudus, Horace and Lola Deaton; by Nancy E. Wright for her daughter, Ada Runyan, and her minor grandchild, Winnie H. Runyan; by Rhoda Garner for herself; by Sarah Jackson for herself and her three minor children, Henry H., Ivory and John Wiley Jackson; by Mary Ann Yarbrough for herself and her four minor children, Lena, Delia, Luella and Myrtie E. Yarbrough; by Cornelius Jackson for himself; by William H. Jackson for himself; by David Arthur Jackson for himself; by Mattie Jeffreys for herself; by Victoria Collins for herself; by Malinda M. Keith for herself and her eight minor children, Charles A., Virgil B., Eva Isaac, Addie A., Myrtle, Mamie and Gordon Keith; by Joseph W. Keith for himself; by Doshier L. Mathews for his wife, Julia A. Mathews and his three minor children, Joseph James, Rossie Jane and Willie Henry Mathews; by James H. Ketchum for himself;

by Rushia A. Deaton for herself; by Jesse M. Ketchum for his two minor children, Mary L. and Joseph G. Ketchum; by Margaret A. Berry for herself and her three minor children, Richard L., Mary F. and David C. Berry; by Richard Robert Alexander Jones for himself and his four minor children, Joseph Monroe, Willis Charles, Isaac Leonard and William Arthur Jones; by John E. Jones for himself; by John E. Jones for his daughter, Texanna Swarner and his minor grandchildren, William, Maggie, Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner; by Joseph W. Jones for himself; by Lydia Parrish for herself and her six minor children, Efford, Lessie, Atoka, Chester, Omy and Otto Parrish; by John E. Jones for his six minor grandchildren, Edna Annie, James, Walter, Lila and Mamie Garret; by Jolly Jones for himself; by Josie Campbell for herself; by Willis O. Carpenter for himself and his four minor children, Ollie Chester, Lula Jane, William Wlater and Andy Lee Carpenter; by Andy R. Brown for his minor child, Joe H. Brown; by Ardena E. Weaver, for herself and her minor child, Elmer Weaver; by Rhoda Weddle for herself and her two minor children, Christopher C. and Letitia A. Weddle; by Charles L. Weddle for himself; by Joseph Weddle for himself; by Jim Jones for himself and his five minor children, James Z., Lucy Jane, Joe, Carrie and Willie Jones; by Mary Jane Tucker for herself, her four minor children, Fred E., Clifford D., Ira Elliot and Ennis Tucker, and her two minor grandchildren, Thelma Ethel and Alma E. Jones; by William An-

drew Tucker for himself; by Belsora Tucker for herself; by Jollie Tucker for himself and his minor child, Gracie E. Tucker; by Andrew J. Meeks for himself and his six minor children, Eddie S., Joyce, Ollie, Bessie, Beryl and Jessie Meeks; by William S. Meeks for himself and his five minor children, Willie Effie, Ola P., Owen H., Glide and Grace Meeks; by John Thomas Draper for himself; by Catherine Billings for herself; by James Billings for himself and his three minor children, Emmer, William L. and Walter Billings; by Fannie Talley for herself and her minor child, John William Talley; by John C. Billings for himself; and by Maggie Ida Eppes for herself and her two minor children, Joseph William and Mary Louisa Eppes,

March 14, 1904, the Commission decided adversely to all the applicants.

The record shows that all of the applicants except Mary Jane, Fred E., Clifford D., Ira Z., Emmis, William A., Jollie and Gracie E. Tucker and Rhoda, Christopher C. and Letitia A. Weddle and Emmer, William L. and Walter Billings, claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Rebecca (or Rebecka or Becky) Jones, born Box (or Bop), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, through her son, Robert Jones, who is alleged to have been a quarter blood Choctaw Indian, and both to have resided in Mississippi in 1830; that the above cited excepted appli-

cants claim said rights by reason of being descendants of the first named ancestors and William (or William Andrew, or Billy, or Bill, or Andy) Jones, who is alleged to have been a Choctaw Indian, degree of blood not shown, and to have resided in Mississippi in 1830; that the minors, Emma, William L. and Walter Billings claim rights by reason of being descended from said Rebecca (or Rebecka, or Becky) Jones and Arrie Billings, who is alleged to have been a Choctaw Indian, degree of blood not shown.

It appears from the evidence that the applicants claim from a more remote Choctaw ancestor than those given, who, they allege, was the paternal great-grandfather of the principal applicant, but as they are only able to give the surname of this ancestor, it is impossible to determine whether that ancestor was a beneficiary under the provisions of Article 14 of the treaty of 1830.

It appears from the evidence submitted and from the records of this Office that none of the applicants has ever been enrolled, recognized or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the testimony and evidence in the record or from the records of this Office, relating to persons who complied or attempted to comply with the provisions of

--6--

Article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that the said Rebecca (or Rebecka, or Becky) Jones, born Box (or Bop), or Robert Jones or William (or William Andrew, or Billy, or Bill, or Andy) Jones, or Arrie Billings or ancestors less remote, signified, in person or by proxy, to any person, an intention to comply with the provisions of said Article 14 of the treaty of 1830 or presented a claim under the same or subsequent legislation.

A motion for re-opening is filed and is enclosed with the record.

This case appears to be analogous to the case of Scott S. Dumas et al (33584-1903) forwarded to the Department with Office letter of July 1, 1904, to which attention is invited.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMH-WDW

D.C.2094-1906
I.T.D.12194,12344,
12952-1904

(Copy)

J.W.H.
LLB

DEPARTMENT OF THE INTERIOR,

SRS.

WASHINGTON, January 10, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the record in the matter of the consolidated Mississippi Choctaw case of Willis Cornelius Jones, E.C.R.6755 et al., which was forwarded by the Commission to the Five Civilized Tribes May 31, 1904, with its decision of March 14, 1904, adverse to all of the applicants.

All of the applicants claim descent from Mrs. William Jones, nee Rebecca Bop or Box, who, it is alleged, was a half-blood Choctaw and resided in the old Choctaw Nation, Mississippi, in 1830.

A considerable number of applicants claim descent from her through her son, Robert Jones. The others claim descent from her through her other children.

It does not appear from the records of the Indian Office that any of the ancestors above named complied, or attempted to comply, with article 14 of the treaty of September 27, 1830, between the Choctaw Nation and the United States. The names Bop, William Jones, and Robert Jones do appear, however, upon certain

registers or census lists of Choctaw citizens claiming lands under various other articles of said treaty. The testimony furnished by the applicants is not sufficient to warrant the conclusion that the persons mentioned in the last of the lists referred to above were their ancestors.

Even if their testimony were sufficient to accomplish this, it would be of value only as showing that their ancestors were considered to be Choctaw citizens by the agents of the Government who compiled said lists.

It is alleged, however, by the applicants and their witnesses that the said Robert Jones was a resident of the Choctaw Nation in 1831; that in the spring of that year he made application to Colonel William Ward, at Columbus, Miss., on behalf of himself and his children, for the benefits of article 14, and that in the presence of a certain witness, whose testimony appears in the record, as well as in the presence of Captain Leflore, the agent registered the names of Robert Jones and his children under said article.

It thus appears that only those applicants who claim descent through Robert Jones have any color of right to identification as Mississippi Choctaws.

It will be observed that according to the testimony referred to above, Robert Jones made application to the agent at Columbus, Miss. It is possible that Colonel Ward held an ap-

pointment at some time during the six months following the ratification of the treaty of 1830 at that place, but such is not the fact, so far as the Department has been advised, and it is believed that the records of the Indian Office do not show any instance where an application was made at that town.

It is a well-established historical fact that following the treaty of 1830 and for the completion of the business connected therewith, appointments were held at Columbus, Miss., by various agents of the Government. One of these agents, Colonel Martin, in person or by deputy, opened an office, in 1833, at Columbus, for the purpose of making reservations for claimants under various articles of the treaty. Later, he was authorized to receive the testimony of persons who claimed that they made application to Ward, but were unsuccessful in securing registration, or if registered, the record thereof had been lost. It is consistent with the testimony contained in the record and in harmony with the history of the times, that the said Robert Jones appeared at some time at Columbus, for the presentation of a claim under some article of the treaty of 1830; that he appeared there and presented a claim, under article 14 of the treaty of 1830, to Colonel Ward, however, is extremely doubtful.

Even if he made an application under said article to that agent, it does not follow that Robert Jones was a citizen of the Choctaw Nation entitled to registration under article 14 of

the treaty; that he was such a citizen also seems extremely doubtful, in view of the testimony of the principal applicant herein, Willis Cornelius Jones, as well as in view of the testimony of his brother, John N. Jones. From their testimony it appears that Robert Jones married a white woman in the State of Tennessee, sometime prior to 1825; that between that year and 1830 he became the father of three children, and that the family did not remove to the Choctaw Nation until about the time of the treaty. As a matter of fact, there is considerable testimony which shows that the sole purpose of the removal was to secure the benefits of the treaty. The conclusion is accordingly natural that the removal was not effected in anticipation of the treaty, but in contemplation of the privileges extended by it, after it became a matter of public knowledge. It is noted that Robert Jones was not the only member of his family who married and took up a residence among the whites away from his nation. His mother, the said Rebecca Jones, also married a white person and she herself was but a half-blood Choctaw. In fact, it is shown that she also was a resident of Tennessee in 1830, and possibly was such for years prior thereto. In view of these facts as they appear in the record, a strong presumption arises that Robert Jones and his family, although perhaps of Indian blood, were for a number of years prior to the treaty, nonresidents of the Choctaw Nation, and were not, apparently, entitled

to recognition as citizens thereof.

There is some testimony in the record to the effect that Jones was a recognized citizen of the nation. It is defective, however, in that it does not show specifically when, where, by whom, and in what manner he was recognized as a citizen.

The Department concludes that the testimony submitted by the applicants is sufficient to show, first, that application was made to Colonel Ward under article 14 of the treaty, and second, that said ancestor was a recognized citizen of the Choctaw Nation at the date of his alleged application. In the absence of record evidence corroborating their allegations and after the lapse of more than 70 years, it is considered that identification of applicants as Mississippi Choctaws can be allowed only where the material allegations are clearly established. The proof submitted in this case does not measure up to this rule.

Reporting in the matter December 1, 1904, the Indian Office recommended that the decision of the Commission, adverse to all the applicants be approved. A copy of its report is inclosed.

The Department concurs in this recommendation and the decision of the Commission of March 14, 1904, is hereby affirmed.

Subsequent to said decision, a motion for rehearing was filed by attorneys on behalf of the applicants. Said motion was corroborated by the affidavit of the principal applicant, dated June 8, 1904. Therein he recites that he desires to sub-

--6--

mit at the rehearing the testimony of Joseph Meeks, of Newhope, Ark. By the testimony of said person he expects to prove that his ancestor, Robert Jones, was a recognized citizen of the Choctaw Nation in 1830 and 1831, and that he signified to Indian Agent Ward his desire to take land under article 14 of the treaty of 1830 and to remain in Mississippi.

The Department considers that this motion and affidavit do not meet the objections noted by the Department herein. Under the circumstances, the testimony of Joseph Meeks would apparently be merely cumulative, and would present the case in no other light than that which it now appears. Said motion is accordingly denied.

Reference is herein made to departmental communication to you of even date relative to the Mississippi Choctaw case of Malinda A. Cubage et al., wherein the applicants claim descent from the Robert Jones mentioned above.

Respectfully,

(signed) THOS. RYAN,
First Assistant Secretary.

1 inclosure.

D.C.2094-1906
I.T.D.12194,12344,
12952-1904

(Copy)

J.W.H.
LLB

DEPARTMENT OF THE INTERIOR.

L.H.

WASHINGTON, January 10, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

The Department has considered the record in the matter of the consolidated Mississippi Choctaw case of Willis Cornelius Jones, A.C.N.6755 et al., which was forwarded by the Commission to the Five Civilized Tribes May 31, 1904, with its decision of March 14, 1904, adverse to all of the applicants.

All of the applicants claim descent from Mrs. William Jones, nee Rebecca Bop or Box, who, it is alleged, was a half-blood Choctaw and resided in the old Choctaw Nation, Mississippi, in 1830.

A considerable number of applicants claim descent from her through her son, Robert Jones. The others claim descent from her through her other children.

It does not appear from the records of the Indian Office that any of the ancestors above named complied, or attempted to comply, with article 14 of the treaty of September 27, 1830, between the Choctaw Nation and the United States. The names Bop, William Jones, and Robert Jones do appear, however, upon certain

registers or census lists of Choctaw citizens claiming lands under various other articles of said treaty. The testimony furnished by the applicants is not sufficient to warrant the conclusion that the persons mentioned in the last of the lists referred to above were their ancestors.

Even if their testimony were sufficient to accomplish this, it would be of value only as showing that their ancestors were considered to be Choctaw citizens by the agents of the Government who compiled said lists.

It is alleged, however, by the applicants and their witnesses that the said Robert Jones was a resident of the Choctaw Nation in 1831; that in the spring of that year he made application to Colonel William Ward, at Columbus, Miss., on behalf of himself and his children, for the benefits of article 14, and that in the presence of a certain witness, whose testimony appears in the record, as well as in the presence of Captain Leflore, the agent registered the names of Robert Jones and his children under said article.

It thus appears that only those applicants who claim descent through Robert Jones have any color of right to identification as Mississippi Choctaws.

It will be observed that according to the testimony referred to above, Robert Jones made application to the agent at Columbus, Miss. It is possible that Colonel Ward held an ap-

pointment at some time during the six months following the ratification of the treaty of 1830 at that place, but such is not the fact, so far as the Department has been advised, and it is believed that the records of the Indian Office do not show any instance where an application was made at that town.

It is a well-established historical fact that following the treaty of 1830 and for the completion of the business connected therewith, appointments were held at Columbus, Miss., by various agents of the Government. One of these agents, Colonel Martin, in person or by deputy, opened an office, in 1833, at Columbus, for the purpose of making reservations for claimants under various articles of the treaty. Later, he was authorized to receive the testimony of persons who claimed that they made application to Ward, but were unsuccessful in securing registration, or if registered, the record thereof had been lost. It is consistent with the testimony contained in the record and in harmony with the history of the times, that the said Robert Jones appeared at some time at Columbus, for the presentation of a claim under some article of the treaty of 1830; that he appeared there and presented a claim, under article 14 of the treaty of 1830, to Colonel Ward, however, is extremely doubtful.

Even if he made an application under said article to that agent, it does not follow that Robert Jones was a citizen of the Choctaw Nation entitled to registration under article 14 of

the treaty; that he was such a citizen also seems extremely doubtful, in view of the testimony of the principal applicant herein, Willis Cornelius Jones, as well as in view of the testimony of his brother, John E. Jones. From their testimony it appears that Robert Jones married a white woman in the State of Tennessee, sometime prior to 1825; that between that year and 1830 he became the father of three children, and that the family did not remove to the Choctaw Nation until about the time of the treaty. As a matter of fact, there is considerable testimony which shows that the sole purpose of the removal was to secure the benefits of the treaty. The conclusion is accordingly natural that the removal was not effected in anticipation of the treaty, but in contemplation of the privileges extended by it, after it became a matter of public knowledge. It is noted that Robert Jones was not the only member of his family who married and took up a residence among the whites away from his nation. His mother, the said Rebecca Jones, also married a white person and she herself was but a half-blood Choctaw. In fact, it is shown that she also was a resident of Tennessee in 1830, and possibly was such for years prior thereto. In view of these facts as they appear in the record, a strong presumption arises that Robert Jones and his family, although perhaps of Indian blood, were for a number of years prior to the treaty, nonresidents of the Choctaw Nation, and were not, apparently, entitled

--b--

to recognition as citizens thereof.

There is some testimony in the record to the effect that Jones was a recognized citizen of the nation. It is defective, however, in that it does not show specifically when, where, by whom, and in what manner he was recognized as a citizen.

The Department concludes that the testimony submitted by the applicants is sufficient to show, first, that application was made to Colonel Ward under article 14 of the treaty, and second, that said ancestor was a recognized citizen of the Choctaw Nation at the date of his alleged application. In the absence of record evidence corroborating their allegations and after the lapse of more than 70 years, it is considered that identification of applicants as Mississippi Choctaws can be allowed only where the material allegations are clearly established. The proof submitted in this case does not measure up to this rule.

Reporting in the matter December 1, 1904, the Indian Office recommended that the decision of the Commission, adverse to all the applicants be approved. A copy of its report is inclosed.

The Department concurs in this recommendation and the decision of the Commission of March 14, 1904, is hereby affirmed.

Subsequent to said decision, a motion for rehearing was filed by attorneys on behalf of the applicants. Said motion was corroborated by the affidavit of the principal applicant, dated June 8, 1904. Therein he recites that he desires to sub-

mit at the rehearing the testimony of Joseph Weeks, of Newhope, Ark. By the testimony of said person he expects to prove that his ancestor, Robert Jones, was a recognized citizen of the Choctaw Nation in 1830 and 1831, and that he signified to Indian Agent Ward his desire to take land under article 14 of the treaty of 1830 and to remain in Mississippi.

The Department considers that this motion and affidavit do not meet the objections noted by the Department herein. Under the circumstances, the testimony of Joseph Weeks would apparently be merely cumulative, and would present the case in no other light than that which it now appears. Said motion is accordingly denied.

Reference is herein made to departmental communication to you of even date relative to the Mississippi Choctaw case of Malinda A. Cubage et al., wherein the applicants claim descent from the Robert Jones mentioned above.

Respectfully,

(signed) THOS. RYAN,
First Assistant Secretary.

1 inclosure.

Refer in reply
to the follow-
ing: Land
37041-1904
71261-1904.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, December 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 31, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Willis Cornelius Jones for himself; by Arthur W. Jones for himself and his five minor children, Persis, Miriam, Erin, Granville and Mozelle Jones; by J. Granville Cubage for himself; by Fannie A. Highsmith for herself and her five children, Willie C., Robert A., Mattie L., Isaac C. and Anna May Highsmith; by Mary L. Diffie for herself and her five minor children, Granville F., F. Dexter, Alfred J., Wilmar O and Bailey W. Diffie; by Granville Jones for himself and his four minor children, Ella, Yancy, Bailey and Eora Jones; by Granville Jones for his brother, Isaac J. Jones and his four minor nieces and nephews, Ruth, Camille, Alfred and Jarrett Jones; by Mary L. Diffie for her sister Lee J. Chandler, and her five minor nieces and nephews, Lula, Brandon, Mack, Ernest and Paul Chandler; by Claude L. Jones for himself; by Mary L. Diffie for her sister, Mattie J. Chandler, and her two

minor nephews, Herbert and Rex Chandler; by Guilford L. Jones for himself; by Granville Jones for his sister, Grace Palmer, and his minor niece, Edith Palmer; by Nancy E. Wright for herself and her four minor children, Johnnie, Alice, Mittie and Willie Wright; by Mary A. Deaton for herself and her seven minor children, Osceola, Ada E., Gracie L., Eudora E., Cora E., Flora B. and Mittie O. Deaton; by Richard L. Wright for himself and his three minor children, Mattie, Albert and Cecil Wright; by Nancy E. Wright for her daughter, Ida Deaton, and her three minor grandchildren, Claudus, Horace and Lola Deaton; by Nancy A. Wright for her daughter, Ada Runyan, and her minor grandchild, Winnie E. Runyan; by Rhoda Garner for herself; by Sarah Jackson for herself and her three minor children, Henry E., Ivory and John Wiley Jackson; by Mary Ann Yarbrough for herself and her four minor children, Lena, Delia, Inella and Myrtie E. Yarbrough; by Cornelius Jackson for himself; by William H. Jackson for himself; by David Arthur Jackson for himself; by Mattie Jeffreys for herself; by Victoria Collins for herself; by Malinda E. Keith for herself and her eight minor children, Charles A., Virgil B., Eva Isaac, Addie A., Myrtle, Mamie and Gordon Keith; by Joseph W. Keith for himself; by Doshier L. Mathews for his wife, Julia A. Mathews and his three minor children, Joseph James, Rossie Jane and Willie Henry Mathews; by James H. Ketchum for himself;

by Rushia A. Deaton for herself; by Jesse E. Ketchum for his two minor children, Mary L. and Joseph C. Ketchum; by Margaret A. Berry for herself and her three minor children, Richard L., Mary F. and David C. Berry; by Richard Robert Alexander Jones for himself and his four minor children, Joseph Monroe, Willis Charles, Isaac Leonard and William Arthur Jones; by John E. Jones for himself; by John E. Jones for his daughter, Texanna Swarner and his minor grandchildren, William, Maggie, Luther, Clyde, Arthur, Myrtle, Addison and Robert Swarner; by Joseph W. Jones for himself; by Lydia Parrish for herself and her six minor children, Efford, Lessie, Atoka, Chester, Omy and Otto Parrish; by John E. Jones for his six minor grandchildren, Edna Annie, James, Walter, Lila and Mamie Garret; by Jelly Jones for himself; by Josie Campbell for herself; by Willis O. Carpenter for himself and his four minor children, Ollie Chester, Lula Jane, William Walter and Andy Lee Carpenter; by Andy E. Brown for his minor child, Joe E. Brown; by Ardene E. Weaver, for herself and her minor child, Elmer Weaver; by Rhoda Weddle for herself and her two minor children, Christopher C. and Letitia A. Weddle; by Charles L. Weddle for himself; by Joseph Weddle for himself; by Jim Jones for himself and his five minor children, James E., Lucy Jane, Joe, Carrie and Willie Jones; by Mary Jane Tucker for herself, her four minor children, Fred E., Clifford D., Ira Elliot and Annie Tucker, and her two minor grandchildren, Thelma Ethel and Alma E. Jones; by William An-

drew Tucker for himself; by Belzora Tucker for herself; by Jollie Tucker for himself and his minor child, Gracie E. Tucker; by Andrew J. Weeks for himself and his six minor children, Eddie S., Joyce, Ollie, Bessie, Beryl and Jessie Weeks; by William S. Weeks for himself and his five minor children, Willie Effie, Ola P., Owen H., Clide and Grace Weeks; by John Thomas Draper for himself; by Catherine Billings for herself; by James Billings for himself and his three minor children, Emmer, William L. and Walter Billings; by Fannie Talley for herself and her minor child, John William Talley; by John C. Billings for himself; and by Maggie Ida Eppes for herself and her two minor children, Joseph William and Mary Louisa Eppes,

March 14, 1904, the Commission decided adversely to all the applicants.

The record shows that all of the applicants except Mary Jane, Fred E. Clifford D., Ira E., Annie, William A., Jollie and Gracie E. Tucker and Rhoda, Christopher C. and Letitia A. Weddle and Emmer, William L. and Walter Billings, claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Rebecca (or Rebecka or Becky) Jones, born Box (or Bop), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, through her son, Robert Jones, who is alleged to have been a quarter blood Choctaw Indian, and both to have resided in Mississippi in 1830; that the above cited excepted appli-

cants claim said rights by reason of being descendants of the first named ancestors and William (or William Andrew, or Billy, or Bill, or Andy) Jones, who is alleged to have been a Choctaw Indian, degree of blood not shown, and to have resided in Mississippi in 1830; that the minors, Emma, William L. and Walter Billings claim rights by reason of being descended from said Rebecca (or Hebeeka, or Becky) Jones and Arrie Billings, who is alleged to have been a Choctaw Indian, degree of blood not shown.

It appears from the evidence that the applicants claim from a more remote Choctaw ancestor than those given, who, they allege, was the paternal great-grandfather of the principal applicant, but as they are only able to give the surname of this ancestor, it is impossible to determine whether that ancestor was a beneficiary under the provisions of Article 14 of the treaty of 1830.

It appears from the evidence submitted and from the records of this Office that none of the applicants has ever been enrolled, recognized or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the testimony and evidence in the record or from the records of this Office, relating to persons who complied or attempted to comply with the provisions of

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Article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that the said Rebecca (or Rebecka, or Becky) Jones, born Bex (or Bop), or Robert Jones or William (or William Andrew, or Billy, or Bill, or Andy) Jones, or Arrie Billings or ancestors less remote, signified, in person or by proxy, to any person, an intention to comply with the provisions of said Article 14 of the treaty of 1830 or presented a claim under the same or subsequent legislation.

A motion for re-opening is filed and is enclosed with the record.

This case appears to be analogous to the case of Scott J. Dumas et al (33584-1903) forwarded to the Department with Office letter of July 1, 1904, to which attention is invited.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

LMK-WDW

COPY.

MCR 6755

Muskogee, Indian Territory, January 23, 1906.

Willis C. Jones,
Hot Springs, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing your application for identification as a Mississippi Choctaw.

Respectfully,

SIGNED *Tamr Dixby*

Commissioner.

MCR 6755

COPY.

Muskogee, Indian Territory, January 23, 1906.

S. B. Dawes,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 10, 1906 (I T D 12194, 12344, 12952-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of December 1, 1904, affirming the decision of the Commission to the Five Civilized Tribes rendered March 14, 1904, refusing the several applicants in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

McM 23/1

MOR 6755

COPY.

Muskogee, Indian Territory, January 23, 1906.

M. S. Cobb,
Attorney at Law,
Hot Springs, Arkansas.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 10, 1906 (I T D 12194,12344,12952-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of December 1, 1904, affirming the decision of the Commission to the Five Civilized Tribes rendered March 14, 1904, refusing the several applicants in the consolidated Mississippi Chootaw case of Willis Cornelius Jones, et al.

Respectfully,

SIGNED *Tanno Dixby.*
Commissioner.

MoM 23/2

MCR 6755

COPY.

Muskogee, Indian Territory, January 23, 1906.

J. G. Halls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 10, 1906 (I T D 12194,12344,12952-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of December 1, 1904, affirming the decision of the Commission to the Five Civilized Tribes rendered March 14, 1904, refusing the several applicants in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al.

Respectfully,

SIGNED *Tamm D. Dwyer*

Commissioner.

MM 23/3

MCR 6755

COPY.

Muskogee, Indian Territory, January 23, 1906.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of January 10, 1906 (I T D 12194, 12344, 12952-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of December 1, 1904, affirming the decision of the Commission to the Five Civilized Tribes rendered March 14, 1904, refusing the several applicants in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al.

Respectfully,

SIGNED

James Bixby.

Commissioner.

MoM 23/4

Muskogee, Indian Territory, January 23, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith for your information, copy of Departmental letter of January 10, 1906 (I T D 12194,12344,12952-1904), accompanied by copy of the report of the Acting Commissioner of Indian Affairs of December 1, 1904, affirming the decision of the Commission to the Five Civilized Tribes rendered March 14, 1904, refusing the several applicants in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al.

Respectfully,

SIGNED *Tamr Dixby.*

Commissioner.

McM 23/5

Alfred Jones. Deas
 wife
 Jane P. Jones L. w.

7044
 Malinda Ann Jones, 48 $\frac{1}{16}$
 married
 James Cubage, w.

7036
 Fannie A. Jones, 46 $\frac{1}{16}$
 married
 William H. Highsmith, w.

7030
 Mary L. Jones, 44 $\frac{1}{16}$
 married
 William Diffie, w.

7164
 Granville Jones, 41. $\frac{1}{16}$
 wife
 Alice Jones,

7043
 Granville Cubage, 21 $\frac{1}{32}$

7042
 Jessie Cubage, 17
 Winifred Cubage, 15
 Louie Cubage, 12
 Delia Cubage, 7
 Lois Cubage, 4

7035
 Anna May Highsmith, 22
 Willa C. Highsmith, 20
 Robert A. Highsmith, 18
 Mattie L. Highsmith, 16
 Isaac C. Highsmith, 14

7039
 Granville P. Diffie, 19
 F. Dexter Diffie, 14
 Alfred J. Diffie, 13
 Wilmar O. Diffie, 7
 Bailey W. Diffie, 8 mos.

7156
 Ella Jones, 19
 Yancey Jones, 17
 Bailey Jones, 15
 Nora Jones, 13

Alfred Jones, dead
wife (Continued)

James P. Jones Living

Mich 7165
Isaac J. Jones, 39 1/16
Maiden Jones, w

Mich 7038
Lee J. Jones, 35 1/16
married
J. A. Chandler, w

Mich 7205
Claude L. Jones, 30 1/16
wife
Annie O. Jones, w

Mich 7039
Mattie J. Jones, 30 1/16
married
W. H. Chandler, w

Mich 7042
Lulford L. Jones, 25 1/16
wife
Marguerite Jones

Mich 7291
Grace Jones, 24 1/16
married
C. P. Palmer,

Mich 7165
Ruth Jones, 8
Camille Jones, 6
Alfred Jones, 4
Gerritt Jones, 2.

Mich 7038
Eula Chandler, 18
Brandon Chandler, 15
Mack Chandler, 12
Ernest Chandler, 9
Paul Chandler, 4

Mich 7039
Herbert Chandler, 5
Rex Chandler, 3

Mich 7291
Edith Palmer, 1

nick
6755

Willie Cornelius Jones, 76 1/8

wife

Mary Adeline Jones

Nancy E. Jones, 49 1/16

married

Alfred A. Wright, 2

nick
6962

Sarah Jones, 45 1/16

married

William Jackson, w

nick
7032

Mary A Wright, 30. 1/16

married

Silman Deaton, L

nick
7033

Richard L. Wright, 27. 1/32

wife

Amanda Wright, 2

nick
7061

Ida Wright, 27. 1/32

married

Gooden Deaton, w

nick
7062

Ada Wright, 26. 1/16

married

Dutch Runyan,

Rhoda Wright, 18 1/32

married

John Garner, w

Johnnie Wright, 20

Alice Wright, 16

Mittie Wright, 14

Willie Wright, 12

nick
6964

Mary Ann Jackson, 26 1/32

married

Wiley Yarbrough, w

nick
6967

Cornelius Jackson 23 1/32

nick
6965

William H. Jackson, 22 1/32

nick
7032

Luciola Deaton, 13

Ada E. Deaton, 11

Gracie L. Deaton, 9

Eudora E. Deaton, 6

Gora E. Deaton, 4

Flora B. Deaton, 2

Mittie C. Deaton, 2 mos

nick
7023

Mattie Wright, 5

Albert Wright, 3

Cecil Wright, 1

nick
7063

Claudius Deaton, 6

Horace Deaton, 3

Lola Deaton, 1

nick
7062

Winnie H. Runyan, 1

nick
6964

Lena Yarbrough, 10

Delia Yarbrough, 8

Luella Yarbrough, 6

Myrtle E. Yarbrough, 7 mos

Sarah Jones 45 1/16
(continued)
married
William Jackson w

Willis Cornelius Jones, 76 1/8
wife (Continued)
Mary Adelina Jones.

Mek
7035
Malinda M. Jones, 43 1/16
married
Henry P. Keith, L

Mek
7415
Julia A. Jones, 40 1/16
married
Joshua L. Matthews, w.

Mek
6935
David A. Jackson, 20 1/32
wife
Annie Jackson, w
Mek
6936
Mattie Jackson, 18 1/32
married
Tony Jefferys, w
Mek
6937
Victoria Jackson, 15 1/32
married
Arthur Collins, w
Mek
6938
Henry H. Jackson, 14
" Ivory Jackson, 12
" John Wiley Jackson, 10

Mek
6781
John W. Keith, 22 1/32
Mek
7035
Charles A Keith, 20
" Virgil B Keith, 18
" Eva Keith, 16
" Isaac Keith, 14
" Addie A. Keith, 8
" Myrtle Keith, 6
" Mamie Keith, 4
" Gordon Keith, 1

Mek
7416
Joseph J. Matthews, 20
" Rossie Matthews, 14
" Willis H. Matthews, 6

Willie Cornelius Jones 76 1/8
(Continued)

wife
Mary Adelind Jones.

Eliza H. Jones, dead

married

Jesse M. Ketchum, L

nick
6780

Margaret A. Jones, 24 1/16

married

David M. Berry

nick
6779

Richard Robert Alexander Jones 31 1/16

wife

① Mary Ellen Jones, w. D

② Lucy Jane Jones, w. L

nick
7048
James H. Ketchum, 21 1/32

nick
7039
Ruehla A. Ketchum, 20 1/32

married
nick
7037
Joseph G. Deaton, L

Mary L. Ketchum, 17 1/32

Joseph G. Ketchum, 15 1/32

nick
6788

Richard L. Berry, 18

Mary P. Berry, 10

David C. Berry, 3

nick
7119

Joseph Monroe Jones, 12

Willie Charles Jones, 10

Isaac Leonard Jones, 8

William Arthur Jones, 5

nick
7123

William Swarner, 20

Maggie Swarner, 18

Luther Swarner, 14

Glyde Swarner, 12

Arthur Swarner, 10

Myrtle Swarner, 8

Addison Swarner, 6

Robert Swarner, 4

nick
7092

John N. Jones, 72 1/8

wife
① Mary Jane Jones D

② Elizabeth Ann Jones. D

nick
7110

Texanna Jones, 45 1/16

married

Joel Swarner w

Wick
7094

Joseph W. Jones, 36 1/16

Wick
7172

Lydia Jones, 35 1/16
marries
Rufus M. Parrish,

Wick

Elford Parrish	12
Leaie Parrish	10
Atoka Parrish	8
Chester Parrish	5
Omy Parrish	4
Otto Parrish	2

Wick
7242

Edna Garrett	17
Annie Garrett	15
James Garrett	13
Walter Garrett	11
Lila Garrett	9
Mamie Garrett	7

John N. Jones, 72 1/8
wife
(Cont's)

- ① Mary Jane Jones []
- ② Elizabeth Ann Jones []

Malinda Jones, Head
marries
Clinton Garrett

Wick
7093

Jolly Jones, 28 1/16
marries

Wick
7174

Mary Ellen Jones (Choc. B-102)
marries
Jonie Jones, 26 1/16
Charles Campbell, (Choctaw)

nick
6946

Willis O Carpenter, 40 1/2

wife

Nancy Jane Carpenter w

nick
A 98

Oliver Chester Carpenter 19

Lola Jane Carpenter 14

William Walter Carpenter 6

Andy Lee Carpenter 2

Sarah A. Jones, 21 1/8
married

Marion Carpenter 2

Roma Josephine Carpenter, 21 1/2

married

Andy R. Brown

nick
690

Joe H Brown, 14 1/2

nick
6947

Ardrina E Carpenter 34 1/16

married

D. L. Weaver w

nick
6947

Elmer Weaver, 9

nick
6810

Rhoda Jones, 52 1/8
married

Robert S. Wedale 2

nick
7041

Charles L. Weddle, 25 1/16

nick
6811

Joseph Weddle, 23 1/16

wife

Belle Weddle, w

nick
6810

Christopher L. Weddle 17

Letitia A. Weddle, 14

George M. Jones
wife
Emma Jones

66 $\frac{1}{8}$ - $\frac{1}{4}$

nick
7383

Jim Jones,
wife

36 $\frac{1}{8}$

Lucy E. Jones, w.

nick
7383

James G. Jones, 10

" Lucy J. Jones, 7

" Joe Jones, 5

" Carrie Jones 2

" Willie Jones 6 mos.

~~med~~
Dora Lee Tucker Dead

married

William Jones, w.

med
6949

William Andrew Tucker, 32 $\frac{1}{16}$

med
6951

Belzora Tucker, 24 $\frac{1}{16}$

med
6950

Jollie Tucker, 22 $\frac{1}{16}$

wife

Mittie Tucker

med
6948

Fred E. Tucker, 18

Clifford D. Tucker, 15

Ira Elliot Tucker, 12

Ennis Tucker, 8

med

6948

Thelma Ethel Jones, 6 $\frac{1}{32}$

"Alma E. Jones, 3 $\frac{1}{32}$

med

6945

Gracie E. Tucker, 2 mos.

med
6948

Mary Jane Jones, 53 $\frac{1}{8}$

married

William M. Tucker, w.

Amanda Jones
married
Jesse L. Meeks

met
7/40
Andrew J. Meeks, 37 1/16
wife
Leora Meeks.

met
6/58
William S. Meeks, 35 1/16
married
① Eliza Meeks, w. D
② Alva Meeks, w. L

Thomas Jefferson Draper D
married
Mary Ann Williams

met
6/46
John Thomas Draper, 49.
wife
Laney Isabel Draper, w

met
6/46
Catherine Draper, 58
married
John B. Billings

met
7/40
James Billings, 33
wife
Arrie Billings

met
6/46
Fannie Billings, 27
married
William Talley, w

met
6/58
John C. Billings, 25
wife
Fannie Billings

Robert Jones 18 D
married
Louisa Champion D

met
6/58
Mary Edna Jones, 45 1/16
married
William Wallace Eppes w.

met
7/40
Eddie S. Meeks, 17
Joyce Meeks 14
Ollie Meeks 12
Bessie Meeks 10
Beryl Meeks 6
Jessie Meeks 2

met
7/58
Willie Effie Meeks, 9
Ola P. Meeks, 6
Owen H. Meeks 4
Clide Meeks 2
Grace Meeks, 5 mos

met
7/40
Emmer Billings, 6
William L. Billings 4
Walter Billings 11 mos

met
7/40
John William Talley, 2

met
7/40
Joseph William Eppes, 15
Mary Louisa Eppes, 10

Willis C. Jones

No...

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 24 1903

Date

Name Jane P. Jones, witness
in 6755. case of Willis C. Jones.
Age 66 Blood

Post Office, Amity, Ark.

Father:

Mother:

Claims through

Children:

Testimony to be
filed in
Willis C. Jones, 6755.
Arthur W. " 6756

Stenographer Clara M. Wood

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name

Age

Blood

Post Office.

Father

Mother

Claims through

Children

Stenographer

I, J. B. Dawes, as
attorney for the
applicant in the
case of Willis C. Jones,
M.C. R. 6755. received
on March 17, 1903,
copy of the testimony
taken in this case on
February 21 & 24, 1903,
at Muskogee, I. T.
J. B. Dawes

WILLIS CORNELIUS JONES ET AL

M. C. R. 6755.

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RECEIVED



AFTER 5 DAYS RETURN TO
G. W. RICHARDSON
ATTORNEY AT LAW
BONANZA. - - - ARK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUL 7 1903
F I D
11

The Commission to the Five Civilized Tribes,

—Bismarck.



Willis L. Jones.
MCR 6755-

DECISION REVIEWED BY:

OFFICE OF RESEARCH AND ANALYSIS - JANUARY 1964

OFFICE OF DECISIONS
ALBUQUERQUE, N.M.

ACTION APPROVED - V.L. DEPT. OF INTERIOR JAN 10 1955

NOTICE OF DISCIPLINARY ACTION
FORWARDED JAN 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO THE WORK APPLICANT. JAN 23 1906

NOTICE OF DEED ACTION
FORWARDED AT CHOCTAW
AND CHICKSAW NATIONS. JAN 23 1906

REFER TO M. C. P. ⁷⁰⁴⁴ 7043, ⁷⁰³⁶ 7036, ⁷⁰³⁰ 7030, ⁷¹⁰⁴ 7104, ⁷¹⁶⁵ 7165

38. 7200. 7059. 7042. 7291.
7031. 7032. 7033. 7061. 7062.
7034. 6462. 6963. 6467. 6968.
6486. 6466. 6487. 7035. 6781.
7410. 7040. 7332. 7037. 6780.
6774. 7092. 7243. 7094. 7177.
7242. 7093. 7176. 6946. 6917.
6447. 6810. 7041. 6811. 7388.
7447. 6449. 6451. 6900. 7408.
6088. 6410. 6462. 7145. 6463.
6813. 6432.

6755

No. 6755

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 21 1903

Date

Name *Willis C. Jones*Age *76*Blood *1/8*Post Office, *Hot Springs, Ark.*Father: *Robert Jones,* { *d*Mother: *Malinda "* { *d*Claims through *father**Wife,**Mary A. Jones l. w.**No claim for wife.**CHOCOTAW**Claims for self -**Stenographer Lora Mitchell Wood.*

Choctaw MCR 6756

Arthur W. Jones

MCR 6756

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 21, 1903.

In the matter of the application of Arthur W. Jones for the identification of himself and his five minor children, Persis, Miriam, Erin, Granville and Mozelle Jones as Mississippi Choctaws.

S.B.Dawes, Attorney for applicant.

Arthur W. Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Arthur W. Jones.
Q What is your age? A Thirty three; that is , shortly; my nearest birth day; thirty two past.
Q What is your post office address? A Comanche, Texas.
Q How long have you lived in Texas? A About ten years.
Q Where were you born? A In Cadagap Arkansas.
Q How long did you live in Arkansas? A Twenty two years.
Q And from there you went to Texas? A Yes sir.
Q Is your father living. A No sir.
Q Is your mother living? A Yes.
Q What was your father's name? A Alfred Jones.
Q What is your mother's name? A Jane P. Jones.
Q Do you claim your Choctaw blood through your father or mother? A Father.
Q How much do you claim? A One sixteenth.
Q Do you claim your father was one eighth Choctaw? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I suppose not; I never knew of it.
Q He never lived in the Indian territory? A No sir.
Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q What is her name? A Ella Jones.
Q Do you make any claim for your wife? A No.
Q What are the names of your children beginning with the oldest? A Persis.
Q Is that a girl? A Yes sir.
Q How old is she? A Eight years old.
Q How old is she? A Eight years old.
Q The next? A Miriam; six. Erin, five. Granville Jones, three, Mozelle.
Q Girl? A Yes.
Q Granville's a boy? A Yes sir.
Q How old is Mozelle? A One year.
Q You claim for yourself and these five children? A Yes.
Q Is Ella Jones the mother of these five children? A Yes sir.

- Q Are you and your wife living together as husband and wife and are these children living with you at your home?
A Yes sir.
Q Have you the proof of your marriage with your wife with you now? A Yes sir.
Q Is this the original certificate? A Yes sir.

The original license of the marriage of Arthur W. Jones and Ella Jones is presented by applicant received, filed marked "Exhibit A" and made part of the record in this case.

- Q Is your name on any of the tribal rolls (with your children) of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities, or to the Dawes Commission under act of Congress of June 10, 1896 for yourself and children? A I have not.
Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? Yes.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall be made; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the article? A Yes.
Q What is the name of your ancestor through whom you make this application to be identified as a Mississippi Choctaw?
A Robert Jones.
Q What relation was Robert Jones to you? A My grandfather.
Q Did he live in Mississippi in 1830? A He did, I've been informed.
Q Did he have a family there then? A Yes.
Q Did he have one son by the name of Willis C. Jones living there then? A Yes.
Q And is Willis C. Jones now before the Commission and has he just made application to be identified as a Mississippi Choctaw? A He has.
Q Do you want to have your case considered with his case?

A I do.

The case of Willis C. Jones M.C.R. 6765 is here referred to for the purpose of consolidation.

Q Is he your uncle? A He is.

Q Your father's brother? A Father's brother.

Q How old would your father be if living now? A About seventy eight I suppose.

Q Was he living in Mississippi in 1830? A Yes sir that's what I've been told.

Q You claim your Choctaw blood through your grandfather Robert Jones and also you claim your right to be identified as a Mississippi Choctaw because he lived in Mississippi in 1830 and had a family living there then one of whom was your father Alfred Jones, another was your uncle Willis C. Jones and because you understand through family history and tradition; that he complied or attempted to comply with article fourteen of the treaty of 1830? A I do.

Q In that act of compliance did he go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830, that is, within six months from the 24th day of February 1831 and register or attempt to register under article fourteen of that treaty? A I can't give it in so much detail; I've heard it talked around among the relatives that they had to abandon it.

Q Do you understand that he took land after having gone to Colonel William Ward for the purpose of registering. A I have no recollection of Colonel Ward's name in connection with it.

Q Where was this land located that you say Robert Jones lived upon in Mississippi? A I've heard it stated that it was in the Choctaw Nation.

Q In Mississippi? A Yes sir.

Q Do you know whereabouts? A They have spoken in describing it about it being on Tallahatchie river near the mouth of Tippah.

Q How much land was there? A I don't know.

Q You don't know anything of the particulars of Robert Jones going to Colonel Ward if he did so? A I don't know.

Q You have heard more about it from your uncle in his testimony today than before? A Well perhaps more in detail; I've heard it spoken of often by my grandmother and father but not in detail.

Q Did you ever hear that your grandfather Robert Jones received a patent from the government of the United States for any land which he obtained as a Choctaw Indian in the old Choctaw Nation after living on it five years? A I understand he did not receive it.

Q Did he or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I never heard.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today?

A Not that I know of.

Q Did Robert Jones or any other ancestor of yours having Choctaw blood go before the Commission in 1837 or a Commission in 1842 which commissions were appointed by various acts,

and claim any rights under article fourteen of the treaty of 1830? A I never heard of it; I feel sure they didn't because they had moved to Arkansas about that time.

Q You understand why these commissions were appointed by different acts of Congress, do you not? A I've heard it explained, yes sir.

Q And did you ever hear that any of your Choctaw ancestors, Robert Jones or any other received any scrip from the government which entitled them to select land in Mississippi Alabama, Louisiana or Arkansas? A I suppose not; I've never heard it mentioned.

This scrip was issued under the act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government in the old Choctaw Nation and sold.

Q Did you ever hear of Rebecca Jones who married William Jones and whose maiden name was Rebecca Box or Bop? A I've heard her spoken of as grandmother Jones and heard her spoken of as a Box.

Q Was that your great grandmother? A Yes, sir.

Q The mother of Robert Jones? A Yes sir.

Q It has been testified before the Commission by different applicants under Rebecca Jones or Box or Bop that she lived in Mississippi in 1830 and had Choctaw blood; do you claim your right to identification through her or do you simply claim your Choctaw blood through her and your right to identification through Robert Jones as the least remote ancestor who lived in Mississippi in 1830 and complied with article fourteen? A The Choctaw blood comes from my great grandmother Rebecca Box but the claim is through my grandfather Robert Jones who himself complied with that article of that treaty.

Q He is the least remote ancestor who was the head of a family at that time? A Yes, sir.

Q And you don't know anything about her having attempted to comply with article fourteen of that treaty?

A I've only heard her name spoken in connection with the other.

Q Did you ever hear that she went to Colonel Ward within six months after the ratification of the treaty of 1830 and attempted to comply with article fourteen?

A I never heard of Colonel Ward spoken in connection with it that I know of; I've only heard that he registered and had to abandon the land, is all I heard; in fact I've heard my grandmother say -- just before her death, a few months, I suppose, a year or eighteen months before her death, that we ought to have a right in the Indian Territory -- that is, in the Choctaw Nation, and I've heard my father say -- I remember of one circumstance when I was a boy about ten years of age, I made some slighting remark about some neighbor we had, and father rebuked me and said: "Those who live in glass houses ought not to throw stones", and then he told me I was part Indian myself, and that's the first time I remember about hearing about it; and after that I heard my grandmother speak of it.

Q Did your father speak the Choctaw language? A I suppose he did; he spoke something that purported to be Choctaw; I've often asked him to count and asked him names of different animals.

- Q Can you count? A No sir; I don't know; I might probably say a few words.
- Q Can you speak any names? A No sir. The only names I could recollect, Judge, are the ones I've heard my uncle speak just now, and I wouldn't be sure of getting them right; the Choctaw I heard ten or fifteen years ago I wouldn't recollect at all.
- Q What did your father who used to live in Mississippi in 1830 ever say to you about his grandmother Rebecca Jones having Choctaw blood or having complied with article fourteen of the treaty of 1830; what have you heard your father say that his grandmother told him? A Why, I can't say that I've heard him say his grandmother told him; I simply heard him say that they took land in the Choctaw Nation Mississippi as Choctaw Indians; that they had to abandon it because Uncle killed an Indian and in the mean time their house was burned.
- Q How long did they live on that land? A I understand a year or two; I don't know that I've heard the exact time mentioned.
- Q Do you know whether Rebecca Jones your great grandmother lived on land in the old Choctaw Nation five years and then got a patent from the government? A I suppose not; I've always understood they all abandoned the land there.
- Q Did she or any other Choctaw ancestor of yours go from that old Choctaw Nation to the Choctaw Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? I suppose not; I'm sure they never.
- Q Do you know anything about Mary E. Sparks who made application here claiming through Rebecca Jones or Bop or Box? A I know nothing except that I heard there was a claim made through some of my relatives and that was the name under which it was made; I never met Mrs. Sparks.

Mary E. Sparks has been before this Commission with a great many other applicants who claimed through Rebecca Jones, nee Bop or Box, and that case is here referred to M.C.R. 5735. She however and all of those whose cases were consolidated with hers made their applications for identification entirely through this ancestor of yours whose name was Rebecca Jones, nee Bop or Box; you claim your right to identification through Robert Jones your least remote ancestor, do you not, not through your great grandmother?

A No sir.

- Q Thirty days time is allowed this applicant for the introduction of other proof.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; medium dark complexion; gray eyes; he has no knowledge of the Choctaw language; his knowledge of compliance on the part of his ancestor Robert Jones who was his grandfather is based upon family history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 21st day

Arthur W. Jones 6

of February 1903 and that the foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Harriet C. Wood

Subscribed and sworn to before me this 4th day of March 1903.

Charles H. Sawyer

Notary Public.

M C R 6756

Muskogee, Indian Territory, April 27, 1903.

Arthur W. Jones,
Comanche, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you request the return of your marriage certificate.

In compliance with your request the same is herewith returned, a copy having been made and filed with the record in your case.

Respectfully,

Chairman.

McM 11

COPY: M.C.R.6756

Muskogee, Indian Territory, March 17, 1904.

Arthur W. Jones,

Comanche, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Persis, Miriam, Erin, Granville and Roselle Jones.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, August 3, 1904.

Arthur W. Jones,
Buda, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state that you received notice of the refusal of your application for identification as a Mississippi Choctaw, and at once instructed your counsel to take an appeal; that you have been informed the record in the case has not reached Washington, and ask when the record will be forwarded and if S. B. Dawes has taken an appeal in the case.

In reply you are informed that it appears from our records that on May 31, 1904, the record in the consolidated Mississippi Choctaw case of Willis C. Jones, et al., of which your application is a part, together with the Commission's decision refusing the several applications included in said case, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs. The Commission has not been informed of any appeal being taken in this case by S. B. Dawes.

Respectfully,

Commissioner in Charge.

COPY.

MCR 6756

Muskogee, Indian Territory, January 23, 1906.

Arthur W. Jones,
Comanche, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

6756

No.

6756

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name *Arthur W. Jones,*Age ~~28~~ - 32 Blood $\frac{1}{16}$ Post Office, *Comanche, Texas,*Father: *Alfred Jones* dMother: *Janet P.* " b.Claims through *father* $\frac{1}{8}$
wife.*Ella Jones.* b. w.

No claim for wife

Children:

Persis Jones, T. 8*Miriam* " 6*Erin* " 5*Granville* " M 3*Mozelle* " F. 1Claims for self &
5 minorsStenographer *Clara M. W. W.*

Arthur W. Jones et al

NOTICE OF DECISION MADE APPLICANT. 7 1904
NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS. MAR 1 1904
NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS. MAR 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR:
JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.
JAN 10 1906

Choctaw MCR 6757

Nelson L. Lackey

MCR 6757

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6757

In the matter of the application of Nelson L. Lackey for the identification of himself and his three minor children, Adlena P., Christopher C. and Eddie B. Lackey, for identification as Mississippi Choctaws.

J.W.Jones for applicants.

Nelson L. Lackey being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nelson L. Lackey.
Q What is your age? A Forty four.
Q What is your post office address? A Greenwood, Mississippi.
Q Have you always lived in Mississippi? A Yes sir.
Q How long in Greenwood? A Thirteen years.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Tom Lackey.
Q What is your mother's name? A Martha Davis.
Q She married again? A Yes sir.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q How much has she? A Three eighths.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q What is her race? A Negro.
Q What is her name? A Elizabeth.
Q Were your father and mother slaves at any time? A Yes sir.
Q Were you? A Yes sir.
Q You were all liberated at the act of emancipation? A Yes sir.
Q Do you make any claim for your wife? A No sir.
Q How many children have you? A Three.
Q What is the name of-- A Adlena P., 19; Christopher C., 17; Eddie B.-- a boy-- 15.
Q Is that all? A Yes sir.
Q ~~Is your wife Elizabeth the mother of these children? Yes Yes sir~~
~~XX~~
Q You claim for yourself and these three children? A Yes sir.
Q Is your wife Elizabeth the mother of these children? A Yes sir.
Q When and where were you married to her? A In '78 I believe; its twenty five years ago.
Q By a minister under a license? A Yes sir; Henry K. Hoffman.
Q Have you proof of that marriage here? A No sir.
Q Where were you married? A At Sherode in Mississippi.

H.L.Lackey----2

Q Is your name or any of your childrens' on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q This is your first application before any authority for citizenship in the Choctaw Nation? A Yes sir.

Q You want to identify yourself and them as Mississippi Choctaws A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor or ancestors that you claim through now? A Samuel McGee and Polly McGee.

Q What relation was Samuel McGee to you? A My great grandfather.

Q And Polly was your great grandmother? A Yes sir.

Q How much Choctaw blood did Samuel have? A One half.

Q How much did Polly have? A Whole.

Q What relation are you to Alfred H. Walker? A Cousin.

Q You want to have your case consolidated with his? A Yes sir.

His case, M.C.R. 6750, is referred to for that purpose.

Q Did they live in Mississippi in 1830 and have families there at that time? A So I am informed.

Q Did they have a daughter named Anna that you are descended from? A Yes sir.

Q What was her married name? A I don't know sir.

Q Through which of her children are you descended? A Levina; that was Annie's sisters.

Q Levina was the daughter of Polly and Samuel? A Yes sir.

Q Then you are not descended from Anna but Levina? Whom did she marry? A John Smith.

Q Did they have a daughter named Martha? A Yes sir.

Q Is that your mother? A Yes sir.

Q Her maiden name was Smith and she married a man named Tom Lackey and afterwards a man named Davis? A Yes sir.

Q Did any of your Choctaw ancestors go before Col. Ward within six months for the ratification of the treaty of 1830 and attempt to register under the treaty? A I don't know sir.

Q Did any of them live on land in the old Choctaw nation for five years and then get a patent for it? A I learned they did.

Q Got a patent? A I don't know about that.

Q Did you ever hear that any such ancestor lived on land five

years and get a patent? A No sir.

Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A Yes sir.

Q You mean by going to Col. Ward and trying to register? A Yes sir

Q Who went to him? A I don't know sir.

Q You never heard that Samuel went? A No sir.

Q You don't know who it was went? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.

Q Did you ever hear that any of your Choctaw ancestors went before a Commission in 1837 or 1842 and claimed any benefits under article fourteen of that treaty? A No sir.

These Commissions were appointed by various acts of Congress to hear claimants who came before them under article fourteen of the treaty of 1830 and claimed they had gone before Col. Ward within six months of the treaty's ratification but that he had refused to register them and because of his refusal the Government had taken their land there in that old Choctaw Nation and sold it.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians? A Not that I know of.

Q This scrip was issued under an act of Congress approved August 23 1842. Do you understand or speak the Choctaw language? A No sir

Q You never lived anywhere except Mississippi? A No sir.

Q And all of your ancestors have lived in Mississippi? A Yes sir

thirty days time is allowed to file further proof if this applicant desires.

Examination by Mr. Jones:

Q You say that you always lived in the state of Mississippi?

A Yes sir.

Q You claim that Samuel and Polly McGee his wife was your great great grandparents? A Yes sir.

Q Do you know whether or not that they went to Col. Ward the agent? A No sir.

Q Never did hear? A No sir.

Q Never did hear anyone say? A I have heard that they owned land.

Q Where? A In Mississippi.

Q How did you hear that they owned it? A I don't know how they come by it.

Q Never heard anything about that? A No sir.

Q But you did hear that they were your ancestors? A Yes sir. Through my mother.

Q What was your mother's name? A Martha Smith.

Q The daughter of Lavina? A Yes sir.

Q And all you know is what you gather through the family history? A yes sir.

Q That's all.

N.L.Lasky----4

This applicant has the appearance of being descended from negro parentage; claims Choctaw blood; does not understand the Choctaw language and his father and mother were both slaves at one time; he has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 3 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6750-6751
6752-6755-6757
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Stith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and S. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Purnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J S

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 6757.

Muskogee, Indian Territory, October 31, 1903.

Nelson L. Lackey,

Greenwood, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willis Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threast, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma B. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGee, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lissie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark

H.L.L.--3.

and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

H. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

M. C. R. 6757. Nelson. L. Lackey. et al

A. J. Jones
Agent for applicants.

M.C.R. 6757

Muskogee, Indian Territory, August 14, 1905.

Nelson L. Lankey,

Greenwood, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner

6757

No.

6757

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name Nelson L. Lacey

Age 44 — Blood $\frac{3}{16}$

Post Office, Greenwood, Miss.

Father, Tom Lacey, d.

Mother, Martha Davis, l.

Claims through Mother $\frac{3}{8}$

Wife.

Elizabeth Lacey, l. m.

No claim for wife —

Children:

Adlena P. Lacey, 19

Christopher C. .. 17

Eddie B. .. 15

Claims for self
and 3 minor

Stenographer N. G. Ham

Nelson. L. Lackey et al

RECEIVED DEPARTMENT.

NOV 14 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR

AC 1000
FORWARDED
AND OF

AUG 14 1905

AUG 14 1905

RECEIVED DEPARTMENTAL
NOTICE

AUG 14 1905

REFER TO M. C. R. 6809

Choctaw MCR 6758

Margaret McPherson

MCR 6758

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6758

In the matter of the application of Margaret McPherson for the identification of herself and her minor child, Sam McGree, as Mississippi Choctaws.

J.W.Jones for applicants.

Margaret McPherson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Margaret McPherson.
Q What is your age? A Forty two.
Q What is your post office address? A Greenwood, Mississippi.
Q How long have you lived there? A About 21 years; in Greenwood about ten years.
Q Have you always lived in Mississippi? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Sam Murrell.
Q What is your mother's name? A Rachel Porter.
Q Is that her married name now? A She is a widow now her husband dead.
Q What was her maiden name? A She was Murrell and she married a Murrell.
Q Do you claim through your mother or your father? A Mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q How much has your mother? A Three eighths.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know sir.
Q Is your husband living? A Yes sir.
Q What is his race? A Nigger.
Q What is his name? A Virgil McPherson.
Q Were your parents slaves? A Yes sir.
Q Were you at one time? A Yes sir.
Q Were you all liberated by the act of emancipation? A Yes sir.
Q Do you make any claim for your husband? A No sir.
Q What is the name of your child that you want to make application for? A Sam McGree.
Q What is the name of his father? A Ambrose McGree.
Q How old is Sam? A He is sixteen.
Q You are his mother? A Yes sir.
Q Was Ambrose McGree your first husband? A Yes sir.
Q How long has he been dead? A He is not dead, he left.
Q Did you get a divorce from him? A Yes sir, in 1883.
Q And you received the custody of the child, Sam? A Yes sir.
Q In what court did you get your divorce? A At Greenwood.

M. Pherson---2

- Q Was Ambrose McCree a colored man? A Yes sir.
Q He had no Choctaw blood then? A No sir.
Q Was Virgil McPherson your second husband? A Yes sir.
Q You are living with him now? A Yes sir.
Q Have you any other children by him? A No sir.
Q You claim for yourself and your son, Sam McCree? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Or the name of your son? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and son to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you come before the Commission at this time to identify yourself and son as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q You understand that article? A Yes sir.
Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent? If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article, do you know? A I have heard they did.
Q Who was it? A My mother said.
Q Who was it complied with the article? A I think it was my grandmother.
Q What was her name? A Leviney McGee.
Q That was her maiden name wasn't it? A Yes sir.
Q What was her father's name? A Her mother was Polly McGee and her father was Sam McGee.
Q What relation was Samuel McGee to you? A Great grandfather.
Q Polly was your great grandmother? A Yes sir.
Q How much Choctaw blood did Samuel McGee have, if any? A Half.
Q How much did his wife, Polly, have? A I think whole.
Q And they had a daughter Levina? A Yes sir.
Q What was her husband's name? A John Smith.
Q What relation are you to Nelson L. Lackey? A Cousin.
Q Did any of your Choctaw ancestors live in Mississippi in 1830

M. McPherson----3

and have a family there then? A I think so.

Q Did Samuel and his wife live there? A Yes, I think so.

Q Were they heads of families there? A I don't know; I suppose.

Q Did any of your Choctaw ancestors Samuel or Polly or any other go to the United States Indian agent and attempt to register within six months from the ratification of the treaty? A I think so.

Q Did they register or not? A I don't know.

Q Was Levina McGee a slave at any time? A I don't know sir.

Q Did Samuel McGee or Polly his wife or any other Choctaw ancestor of yours live on land in the old Choctaw Nation for five years and then get a patent from the Government for it? A I can't tell you.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

Q You have heard about the Commissions of 1837 and 1842? A Yes sir.

Q You understand why they were appointed don't you? A Yes sir.

Q You understand that explanation you have heard? A Yes sir.

Q Do you know whether any of your ancestors went before any of these Commissions and claimed any benefits under article fourteen of the treaty of 1830? A I don't know.

Q You also heard my explanation to your other relatives about the scrip that was issued under the act of August 25, 1842? A Yes sir.

Q Do you know whether any of your ancestors got any of that scrip or not? A No sir.

Q You understand about that? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence you want to present? A No sir.

Q Do you want your case consolidated with that of Alfred H. Walker et al., your relative? A Yessir.

His case- W.C.R. 6750-- is referred to for that purpose.

Examination by Mr. Jones:

Q You state that your ancestors as far as you know was Sam McGee and Polly McGee? A Yes sir.

Q How do you claim to know that? A My mother.

Q Through family tradition? A Yes sir.

Q That's all you know about it? A That's all.

Q You don't know anything about it through your own knowledge?

A No sir.

Q Only through what you heard from your family? A That's all.

Q Did you hear that they lived in Alabama or Mississippi? A In Mississippi.

Q Your parents all lived in Mississippi? A Yes sir.

Q Those that's dead died there? A Yes sir.

By the Commission:

Q Do you claim any white blood at all? A No sir.

This applicant has the appearance of being descended from mixed ancestry; she hasn't the color nor hair nor features of a full-blood negro; she claims no white blood but claims that she has Indian and negro blood; the Commission is satisfied that she has other blood beside negro although the racial characteristics of

McPherson----4

the negro predominate; she has no knowledge of the Choctaw language
Her parents were slaves and she also.

Henry G. Hains being sworn on his oath states that as stenographer
to the Commission to the Five Civilized Tribes he reported the
above case on February 21, 1903, and that this is a full, true and
correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY,

M.C.R. 6758.

Muskogee, Indian Territory, October 31, 1903.

Margaret McPherson,

Greenwood, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threet,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7300,
James M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willis Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy H. Brown, Everson W. Brown, Noel P. Brown, Earl H. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in

M. McP.--2.

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Wankarem, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

MCR. 6758. Margaret. McPherson. et al

A. W. Jones
Agent for applicants.

M.C.R. 6758

Muskogee, Indian Territory, August 14, 1905.

Margaret McPherson,

Greenwood, Mississippi,

Dear Madam:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6758

No.

6758

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name Margaret McPherson.

Age

42

Blood

$\frac{3}{16}$

Post Office,

Greenwood, Miss.

Father:

Sam Murrell - d.

Mother:

Rachel Porter - l.

Claims through

mother $\frac{3}{8}$

Husband - (2)

Virgil McPherson. l. neg.

No claim for husband

Husband (1) Ambrose Mc Cree

Children:

Sam Mc Cree 16

J. Ambrose Mc Cree, neg.

M. Margaret McPherson

Claims for neg.
and one minor

Stenographer

W. Y. Davis.

Margaret McPherson

DEPARTMENT

NOV 16 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR

AUG 11 1905

NOTICE OF DEPARTMENTAL ACTION
FOR VARIOUS ATTORNEYS FOR CHOCTAW
AND KASAW NATIONS

AUG 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

AUG 11 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

AUG 11 1905

REFER TO M. C. R. 6809

Choctaw MCR 6759

James T. Strong

MCR 6759

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEBRUARY 21, 1903.

6759

In the matter of the application of James T. Strong for the identification of himself and his two minor children, Clarence J. and Signora Strong, as Mississippi Choctaws.

J. W. Jones, for applicants.

James T. Strong being sworn testified as follows:

Examination by the Commission:

Q What is your name? A James T. Strong
Q What is your age? A Thirty four.
Q What is your post office address? A Greenwood Mississippi.
Q How long have you lived there? A Sixteen years.
Q How long in Mississippi? A All my life.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Paton Strong.
Q What was your mother's name? A Jimmy Strong.
Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A Three sixteenths.
Q How much had your mother? A Three eighths.
Q Has she ever been recognized in or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q What is her race? A Negro.
Q What is her name? A Lizzie W. Strong.
Q Has she any Choctaw blood? A I don't know sir.
Q You don't make any claim for her then? A No sir.
Q Were your parents slaves at one time? A Yes sir.
Q How many children have you? A Two; Clarence J. Strong, 14; and Signora Strong, twelve.
Q You claim for yourself and two children? A Yes sir.
Q Is your wife Lizzie W. Strong the mother? A Yes sir.
Q Have you proof of your marriage to your wife with you now? A No sir.
Q Do you remember the day of the year and month of your marriage to her? A I remember the date; it was Sunday about February 5, 1888.
Q By a minister under a license? A Yes sir.
Q Where was this? A Greenwood Mississippi.
Q Is your name together with the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 22 10, 1895? A No sir.
Q Neither you nor your children have been enrolled as Choctaw Indians by any authority whatever? A No sir.

J.T.Strong----2

Q You want to be identified with them as Mississippi Choctaws?

A Yes sir.

Q You claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

The article is as follows: "Each Choctaw head of a family being desirous to remain and become citizen of the States for five years after the ratification of this treaty shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestors you claim through now?

A Samuel and Polly McGee.

Q How much Choctaw blood did Samuel McGee have? A Half breed.

Q Was he your great grandfather? A Yes sir.

Q Was Polly McGee your great grandmother? A Yes sir.

Q Did they live in Mississippi in 1830? And have a family there then? A Yes sir.

Q Did they go to Col. Ward within six months after the treaty was ratified and try to register? A I heard they did.

Q Well, did they register or not? A No sir.

Q How do you know that they did go there? A I heard my mother say so.

Q That's your only source of information? A Yes sir.

Q Where did your mother die? A At Greenwood Mississippi.

Q How old was she when she died? A About 58 years old.

Q Know when she was born? A No sir.

Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent from the Government for that land? A I don't know.

Q Did any of your Choctaw ancestors claim any land under article fourteen of the treaty of 1830? A Not to my knowledge.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the ratification of the treaty of 1830 and the date of this application made by you today?

A I don't know sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not to my knowledge.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 which were appointed under various acts of Congress and claim benefits under article fourteen of the treaty of 1830?

A I don't know.

Q These Commissions were appointed to hear the complaints of different Indians who claimed that they had tried to register under article fourteen of that treaty before Col. Ward within six months from its ratification but that Col. Ward had refused to allow

J.T.Strong----3

them to register or to allow their names to be placed on his register list and because of his refusal those Indians had their land taken from them in the old Choctaw Nation and sold by the Government; do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any rights?

A I don't know.

Q Did any of them receive any scrip from the Government under an act of Congress approved August 23, 1842, and which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana?

A I don't know sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence you want to present now?

A No sir.

Thirty days time is allowed this applicant in which to file other proof in this case.

Examination by Mr. Jones:

Q Did you say you claim your Choctaw blood from--A My mother.

Q And she got hers from--A Her father, Umphress McGee.

Q Who was that? A The son of Sam and Polly McGee.

By the Commission:

This applicant has the appearance of being descended from negro parentage; his color is very dark; he does not show any other blood except the African- whatever other strain there may be in his physical make-up. He has no knowledge of the Choctaw language; his parents were slaves at one time.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in case.

Henry G. Hains

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY. M. C. R. 6759.

Muskogee, Indian Territory, October 31, 1903.

James T. Strong,
Greenwood, Mississippi.

Dear Sir:

You are hereby notified that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threot,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willis Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Throck, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Nata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Ed die B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl E. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark

J.T.S.--3.

and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needico.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

MCR. 6759. James J. Strong. et al

A. W. Jones
Agent for applicants.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6759

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 14, 1905:

James T. Strong,

Greenwood, Mississippi,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of August 3, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

W. O. Beall

Acting Commissioner.

6759

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FILE NO.

Date

Name *James T. Strong.*

Age

34.

Blood

 $\frac{3}{16}$

Post Office,

Greenwood, Miss.

Father:

Paton Strong. d

Mother

Jinny " d

Claims through

mother $\frac{3}{8}$

Wife.

*Lizzie W. Strong l. neg.**No claim for wife -*

Children

*Clarence J. Strong, 14**Signora " 12**Claims for self
and 2 minors*

Stenographer

A. G. Harris.



SEP 1 1905



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

m. c. r.

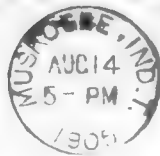
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McMillan

6759

James T. Strong,

~~Ge...~~ Mississippi.



James J. Strong et al

IND. DEPARTMENT.

NOV 16 1905

RECEIVED
BUREAU OF INDIAN AFFAIRS

AUG 11 1905

DEPARTMENTAL ACTION
MADE BY ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 11 1905

JG 11 1905

RECEIVED

JG 11 1905

REFER TO M. C. R.

6809

Choctaw MCR 6760

William A. Attaway

MCR 6760

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T. FEB .21, 1903.

6760

In the matter of the application of William A. Attaway for identification as a Mississippi Choctaw.

J.W.Jones, for applicant.

William A. Attaway being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William A. Attaway.
Q How old are you? A Thirty.
Q What is your post office address? A Greenwood, Mississippi.
Q How long have you lived there? A All my life.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q What was your father's name? A Alfred Attaway.
Q What is your mother's name? A Mary Attaway.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q Is your mother three eighths? A Yes sir.
Q Has she ever been enrolled or recognized as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Were your parents slaves at any time? A Yes sir.
Q Both of them? A Yes sir.
Q You are not married? A No sir.
Q Your claim then is for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q You never have been admitted as a Choctaw Indian by any authority whatever? A No sir.
Q This is the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Do you claim the right to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I have heard it read.
Q Do you understand it well enough to claim under it do you think? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be per-

mitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty?
A I have heard they did.
Q Who do you claim through now? A Samuel and Polly McGee.
Q What relation was Samuel to you? A Great grandfather.
Q And Polly McGee his wife was your--- A Great grandmother.
Q Samuel McGee had how much Choctaw blood? A He had half.
Q His wife had how much? A Whole.
Q Through which one of their children do you claim your Choctaw blood? A Their son, Umphress.
Q And through which one of Umphress children do you claim?
A My mother.
Q How which one of these ancestors if any lived in Mississippi in 1830 and had a family there then? A Samuel and Polly McGee.
Q Did they go to Col. Ward the United States Indian agent within six months after the ratification of the treaty and register or attempt to register under article fourteen of the treaty of 1830?
A I have heard so through my mother.
Q She is the only one that told you? A Yes sir.
Q How old is your mother? A Fifty two.
Q Do you know how she knew? A No sir.
Q Did she ever tell you about Col. William Ward? A I have heard her speak of him; that's all.
Q Did she ever talk to you about the treaty of 1830? And about article fourteen of that treaty? A Not as I remember.
Q Did any of your Choctaw ancestors live on land in that old Choctaw nation in Mississippi or Alabama for five years after the treaty of 1830 was ratified and then get a patent from the Government for that land? A I don't know sir.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
Q None of your ancestors were in the State of Mississippi as far as you know? A No sir.
Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation in 1830? A Not as I know.
Q Did any of them go before a Commission appointed March 3, 1837,

W.A.A.---3

or before a Commission appointed August 23, 1842 and claim any benefits under article fourteen of that treaty? A Not to my knowledge.

Q You understand why these two Commissions were appointed? A Yes sir.

Q And you also understand about the scrip that was issued under the act of August 23, 1842? A Yes sir.

Q Did any of your ancestors receive any such scrip as that?

A Not that I know.

Q Did any of your Choctaw ancestors comply with or receive benefits under article fourteen of the treaty of 1830? A Not as I know of.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant for the introduction of other proof.

Q Do you want to have your case consolidated under Alfred H. Walker et al.? A Yes sir.

Q What relation is he to you? A Cousin.

His case, M.C.R. 6750 is referred to for that purpose.

Examination by Mr. Jones:

Q You say you claim through your ancestor three sixteenths of Indian blood? A Yes sir.

Q Through which one? A Mother.

Q Who did she get hers from? A Umphress McGee.

Q Was Umphress the son of Polly and Sam? A Yes sir.

Q How do you know? A From my mother.

Q You have no personal knowledge of that? A No sir.

Q Did any one else tell you that? A No sir.

Q Do you know whether they lived in Mississippi or Alabama Samuel or Polly in 1830? A It was either in Mississippi or Alabama.

Q One or other of these places? A Yes sir.

Q You are not certain of what place? A No sir.

Q Did you hear her speak of both places? A Yes sir.

Q That's all.

By the Commission:

This applicant has the appearance of being African; he doesn't speak or understand the Choctaw language; his parents were slaves before the emancipation.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 21, 1903 and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of March 1903.

V.A.A.-----4

Charles McSawyer

Notary Public.

COPY.

M.C.R. 6760.

Muskogee, Indian Territory, October 31, 1903.

William A. Attaway,

Greenwood, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
John T. Walker, et al.,	M. C. R. 6751,
James W. Walker, et al.,	M. C. R. 6752,
George Walker,	M. C. R. 6753,
Thomas W. Davis, et al.,	M. C. R. 6754,
John N. Davis, et al.,	M. C. R. 7200,
Nelson L. Lackey, et al.,	M. C. R. 6832,
John W. Davis, et al.,	M. C. R. 6757,
Isaac S. Watson, et al.,	M. C. R. 6833,
Margaret McPherson, et al.,	M. C. R. 6762,
James T. Strong, et al.,	M. C. R. 6758,
Benjamin Franklin Fulton,	M. C. R. 6759,
William A. Attaway,	M. C. R. 6835,
Edward P. Brown, et al.,	M. C. R. 6760,
James H. Moore, et al.,	M. C. R. 6834,
Willis Perry, et al.,	M. C. R. 6761,
	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John W. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy R. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in

W.A.A.--2.

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

E. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

MCR. 6760. William A. Attoaway.

A. W. Jones
Agent for applicants.

M.C.R. 5700

Muskogee, Indian Territory, August 14, 1905.

William A. Attaway,

Greenwood, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6760

No.

6760

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 1 1903

Date

Name William A. Attaway.

Age 30 - Blood $\frac{3}{16}$

Post Office, Greenwood, Miss.

Father: Alfred Attaway, d.

Mother: Mary .. l.

Claims through mother, $\frac{3}{8}$

Children:

Claim for self
alone

Stenographer

W. H. Kaine

William A. Attaway

RECORDED & INDEXED DEPARTMENT:
NOV 16 1902

SECRETARY OF INTERIOR

AUG 11 1902

RECORDED

INDEXED

AUG 11

ACTION MAIL ROOM, DEPT.

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AUG 11

6809

Choctaw MCR 6761

James H. Moore

MCR 6761

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6761

In the matter of the application of James H. Moore for the identification of himself and his four minor children, William H., Annie, Mary Lizzie and Maggie A. Moore, as Mississippi Choctaws.

J.W. Jones for applicants.

James H. Moore being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James H. Moore.
Q What is your age? A Forty four.
Q Greenwood, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q In Greenwood how long? A About twenty years.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A Henry Moore.
Q What was your mother's name? A Patience.
Q Do you claim through your father? A My mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q How much did your mother have? A Threesighths.
Q Were your parents slaves at one time? A Yes sir.
Q Were you? A Yes sir.
Q Were you all owned by the same man at the time of emancipation?
A Yes sir.
Q What was his name? A Moore.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Is your wife living? A She is.
Q Is she a colored woman? A Yes sir.
Q You don't make any claim for her? A No sir.
Q What is her full name? A Katie Moore.
Q How many children--- A Four.
Q What is the name of the oldest? A William H. Moore, 18; Annie Moore, 17; Mary Lizzie Moore, 16.
Q The next? A Maggie A. Moore, thirteen.
Q Is that all? A Yes sir.
Q You claim for yourself and these children, do you? A Yes sir.
Q Is Katie Moore, your wife, the mother of these children? A Yes sir.
Q When and where were you married to her? A '79 Grenada Miss.
I don't know the day of the month.
Q You haven't the proof of your marriage here? A No sir.
Q Were you married by a minister under a license? A Yes sir.

J.H.Moore---2

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself or children to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you want to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830 or Dancing Rabbit Creek? A Yes sir.

Q Do you understand it? You have heard it explained? A Partly.

Q Do you think you understand it well enough to claim under it without further explanation? A Yes sir.

It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know.

Q Do you know who it was that lived in Mississippi or Alabama in 1830 through whom you claim your right now to be identified as a Mississippi Choctaw? A My great grandmother and great grandfather Samuel and Polly McGee.

Q How much Choctaw blood did Samuel have? A One half.

Q How much did his wife, Polly, have? A She was a whole.

Q Did they live in Mississippi in 1830 and have a family there then? A I think so.

Q Do you know or not? A Yes sir.

Q How do you know they did? A From what my mother often told me. Family record.

Q When your knowledge is based on family history? A Yes sir.

Q Your father and mother were slaves; were any of their foreparents slaves, and if, so who were they? A Not as I know of.

Q How did your father and mother happen to be? A I can't tell you that.

Q You don't know anything about it back further? A No sir.

Q Is Alfred H. Walker related to you? A Yes sir; cousin.

Q He has made application here today; he claims through the McGees the same as you? A Yes sir.

J.H. Moore----3

Q Do you want to have his case considered with yours? A Yes sir

His case, M.C.R. 6750, is referred to for the purpose of consolidation.

Q You have heard a good many of your relatives testify here today in this case? A Yes sir.

Q Then you understand, don't you about these Commissions that were appointed in 1837 and 1842 to hear Choctaw Indians who were dissatisfied because Col. Ward would not allow them to register?

A Yes sir.

Q And you understand why they were appointed? A Yes sir.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen or not? A O, I don't know.

Q You claim they did try to register within six months after the treaty was ratified? A They tried but couldn't register.

Q How do you know that they went before Col. Ward and tried to register within six months of the treaty's ratification? A I learned it through my mother; family history.

Q Your mother is your only source of information? A Yes sir.

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in 1831 and thereafter for five years and then get a patent from the Government for that land under article fourteen?

A I don't know.

Q Did any of them go from that old Choctaw nation East of the Mississippi River to the Choctaw nation Indian Territory at any time between the ratification of that treaty and the date of this application made by you today? A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q You understand about the scrip being issued? A Yes sir.

Q So you know what you mean when you answer the question? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to file further proof in this case.

Q Have you any other proof you want to file or present to this Commission at this time? A No sir.

Examination by Mr. Jones:

Q T- you stated a while ago that your ancestor went before the Commissioner and let him know they wanted land and was refused.

Q How do you know? A My mother told me.

Q Did she tell you that they were refused or how do you know? (No answer.)

Q You don't know whether they got any land from the Government or not? A No sir.

Q You only know that they went before them to make application?

A Yes; that's all.

Q That's all.

U. S. DEPARTMENT OF THE INTERIOR

By the Commission:

This applicant has the appearance of being a full blood negro; he does not appear to have any other strain of blood; his parents were slaves before the war; he himself was a slave, all owned by the same man; he has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before ~~me~~ me this 6
day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 6761.

Muskogee, Indian Territory, October 31, 1903.

James H. Moore,

Greenwood, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Rffie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6838
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Kata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James N. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J.H.M.--S.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. B. Needles

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

M. C. 6761. James H. Moon. et al

A. W. Jones
Agent for applicants.

M.C.R. 6761

Muskogee, Indian Territory, August 14, 1905.

James H. Moore,
Greenwood, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6761

No. 6761

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 21 1903

Date

Name James H. Moore.

Age 44. Blood $\frac{3}{16}$

Post Office, Greenwood, Miss.

Father: Henry Moore. d

Mother: Patience " d

Claims through mother $\frac{3}{8}$

wife

Katie Moore l. neg.

No claim for wife -

Children:

William H. Moore 18

Annie 17

~~Lizzie~~ Mary Lizzie " 16

Maggie A. " 13.

Claims for self
and 4 minors

Stenographer H. G. Hains.

R. 6761

James H. Moore et al

ADDITION APPROVED BY

JAN 10 1905

6069

Choctaw MCR 6762

Isaac S. Watson

MCR 6762

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 21, 1903.

6762

In the matter of the application of Isaac S. Watson for the identification of himself and his two minor children, Wilson and Caroline Watson, as Mississippi Choctaws.

J.W.Jones attorney for applicants:

Isaac S. Watson, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Isaac S. Watson.
Q What is your age? A Forty.
Q What is your post office address? A Greenwood, Mississippi.
Q How long have you lived in Greenwood? A All my life.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A John Watson.
Q What was your mother's name? A Caroline Watson.
Q Which parent do you claim through? A Mother.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q How much do you claim your mother had? A Three eighths.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Is your wife living? A Yes sir.
Q What is her race? A Negro.
Q Do you make any claim for your wife? A No sir.
Q What was her name? A Mattie Watson.
Q Were your parents slaves at any time? A Yes sir.
Q Were you? A Yes sir.
Q Were you and your parents liberated by the act of emancipation? A Yes sir.
Q Were you all owned by the same owner? A No sir.
Q Different masters? A Yes sir.
Q Where did the name of Watson come from? A I got it from my father.
Q And he got it from his owner? A Yes sir.
Q What are your children's names? A Wilson he is thirteen and Caroline she is ten.
Q You claim for yourself and two children? A Yes sir.
Q Is your wife Mattie Watson the mother of these two children? A No sir.
Q Is Mattie your second wife? A My third wife.
Q Are the other two wives dead? A Yes sir.
Q Have you any children by Mattie Watson your third wife? A No sir.
Q What is the name of the mother of Wilson Watson? A Adeline.
Q And she is the mother of Caroline? A Yes sir.
Q Have you any children by your first wife? A No sir.
Q Was Adeline a colored woman? A Yes sir.

Q Then you make claim for yourself and these children, Wilson and Caroline for identification as Mississippi Choctaws through you and not through their mother Adeline who was a colored woman?

A Yes sir.

Q Was she a slave at any time? A Yes sir.

Q What was your first wife's name? A Lucy.

Q She was a colored woman too? A Yes sir.

Q Did you have any children by her? A No sir.

Q Is your name together with the names of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or the authorities of the United States-- the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority whatever? A No sir.

Q Have you ever made any application for citizenship in the Choctaw nation before this for yourself and children? A No sir.

Q Do you want to be identified now with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A Part of it.

Q Do you want it explained further? A I don't know that its necessary.

Q You think you understand it well enough to claim under it?

A Yes sir.

The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent? If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A No sir, I don't.

Q You claim through your mother? A Yes sir.

Q She claimed through whom? A Her mother.

Q What was her mother's name? A Levina McGee.

Q That was her maiden name? A Yes sir.

Q Whom did she marry? A John Smith.

Q Through whom did Levina Smith or McGee claim? A Polly and Samuel McGee, my great grandparents.

- Q Do you know whether Samuel McGee or his wife Polly lived in Mississippi in 1830 and had a family there then? A No sir I don't know positively that they did but I have heard so from my mother.
- Q This is family history then that you got from your mother? A Yes sir.
- Q Is she the only one that you got that information from? A Yes sir.
- Q How much Choctaw blood did Polly McGee have? A Whole; Samuel had a half.
- Q How long has your mother been dead? A Seven years.
- Q You say Samuel was your great grandfather? A Yes sir.
- Q Did Samuel McGee or his wife or any Choctaw ancestor of yours live on land in the old Choctaw Nation for a period of five years and then get a patent to it from the Government? A Not that I know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did you ever hear that any of them went to Col. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A No sir.
- Q Do you know whether any of your Choctaw ancestors went before a Commission that was appointed by an act of Congress approved March 3, 1837, or one approved August 23, 1842, and claimed any benefits under article fourteen of the treaty of 1830? A I have heard that they went.
- Q Before which Commission? A I don't know which Commission it was.

These Commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who asserted that they had attempted to register in 1830 and 1831 but that Col. Ward had refused to allow them to register and because of that the Government took their land from them in the old Choctaw Nation and sold it; afterwards to get their rights they went before either of these two Commissions and some of them had their rights given to them. You think some of your ancestors went before them? A I heard that they did; I don't know positively.

- Q Who told you? A I heard my mother talk about it.
- Q She's the only source of your information? A Yes sir.
- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
- Q This scrip was issued under an act of Congress of August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of that treaty and also proved that they had tried to register under that article but were refused and had their lands taken from them together with the improvements thereon by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.
- Q Did your mother? A No sir; not that I know of. I heard them talking about some kind of a language but I don't know what it was.
- Q You didn't hear them speaking Choctaw did you? A No sir.
- Q It might have been Hebrew--A I don't know--that's what I say I don't know.

I.S.Watson----4

Thirty days time is allowed in which to file other proof if he desires.

Q. You may take the witness Mr. Jones. A I don't think I want to ask any questions.

This applicant has the appearance of a negro; he does not understand nor speak the Choctaw language; both of his parents were slaves before the war; he also, and were liberated together by the act of emancipation.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on February 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in said case.

Henry G. Hains

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6750-6751
6752-6753-6757
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Smith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and S. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Purnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J 2

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 6762.

Muskogee, Indian Territory, October 31, 1903.

Isaac S. Watson,

Greenwood, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willie Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl M. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson, Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark

I.B.W.--3.

and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that their applications for identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

A. B. Needles.

Commissioner in Charge.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the case below named:

M. C. R. 6762. Isaac. D. Watson, et al

A. W. Jones
Agent for applicants.

M.C.R. 6762

Muskogee, Indian Territory, August 14, 1905.

Isaac S. Watson,

Greenwood, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6762

No.

6762

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1903

Name

Isaac S. Watson

Age

40 -

Blood

 $\frac{3}{16}$

Post Office,

Greenwood, Miss.

Father:

John Watson, d

Mother:

Caroline " , d

Claims through

mother $\frac{3}{8}$
wife, $\frac{3^{rd}}{2}$ -

Mathe Watson, l. neg,

No claim for wife

Children.

Wilson Watson, 13

Caroline

m. Adeline " negro (2nd wife)

f. Isaac

Claims for
self and 2
children

Stenographer

H. H. Harris

FOR IDENTIFICATION NO. 6762
A MISSISSIPPI FUGITIVE.

Isaac S. Watson et al

MENT.

SECRETARY OF INTERIOR.

AUG 14 1901

RECEIVED

AUG 14 1905

AUG 14 1905

REFER TO M. C. R. 6809

Choctaw MCR 6763

James W. Hill

MCR 6763

Department of the Interior
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, February 21, 1903.

In the matter of the application of James Willie Hill for
 identification as a Mississippi Choctaw.

A.S. McRea Attorney for applicant.

James Willie Hill being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Willie Hill.
 Q What is your age? A Twenty four.
 Q What is your post office address? Greenwood Mississippi.
 Q How long have you lived there? A I lived there about eight
 years or ten.
 Q How long in Mississippi have you lived? A I've been in
 Mississippi all the while.
 Q Have you always lived there? A Yes sir.
 Q Is your father living? A No sir.
 Q Is your mother living? A Yes sir.
 Q What was your father's name? A Jerry Hill.
 Q What is your mother's name? A Dinah Hill.
 Q Through which parent do you claim Choctaw blood?
 A Through my mother.
 Q How much Choctaw blood do you claim? A Five eighths.
 Q How much Choctaw blood did your mother claim? A She was
 about three fourths.
 Q You think those fractions are right do you?
 A Yes sir. I intended to say my mother was a full blood.
 Q You claim through your mother? A Yes sir.
 Q You don't claim through your father? A No sir.
 Q How much Choctaw blood did your mother have? A My mother
 was a full Indian.
 Q If you claim through your mother alone and she's a full
 Indian how much do you claim? A Five eighths. I was under
 the impression you would take them through both parents;
 I claim through my mother and father.
 Q How you claim your mother is a full blood? A Yes sir.
 Q How much Choctaw blood did your father have? A He was a quar-
 ter.
 Q Now that makes you how much? A Five eighths I suppose.
 Q Now then because you claim one half of one fourth and one
 half of your mother's blood which was a full blood you make
 the fraction five eighths? A Yes sir.
 Q Have your parents ever been recognized in any way or enrolled
 as members of the Choctaw tribe of Indians by the Choctaw
 tribal authorities or by the United States authorities in the
 Indian Territory? A No sir.
 Q Was your father a slave at any time? A No sir.
 Q Was your mother? A No sir.
 Q How do you know? A They say they wasn't.
 Q You never heard that they were? A No sir.

- Q Were any of your mother's ancestors or father's ancestors slaves at any time? A I don't know.
- Q Did you ever hear they were? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Edna Hill.
- Q Is she living? A Yes sir.
- Q What is her race? A White and Indian.
- Q Has she any colored blood? A I think not.
- Q Do you know? A I don't think she has.
- Q Do you know? A I don't know for certain.
- Q What did you say she has not for; what is your best impression? A Possibly she may be a quarter.
- Q A quarter colored? A I don't know as she is; she might be.
- Q How do you know she has Indian blood? A She says so.
- Q Did you ever hear her say she had colored blood? A No sir.
- Q Did she ever say she had white blood? A Yes sir.
- Q But she never said a word about colored blood? A No sir.
- Q Do you make any claim for her as a Choctaw Indian? A No sir she will make her own claim.
- Q You can't make a claim for her if she has any Choctaw blood but you don't care to. A Well yes sir I can do it.
- Q Do you know that she has any Choctaw blood at all? A Yes sir she says so.
- Q Your lawyer says you don't want to make any claim for your wife; do you wish to be controlled by his opinion in the matter? A Yes sir.
- Q And you don't make claim for your wife? A No sir.
- Q Have you any children? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir I think not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir, never have.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A In part, yes sir.
- Q Do you want it explained further? A Yes sir.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians who lived formerly in the old Choctaw Nation partly in Mississippi and partly in Alabama; this treaty was made on the 27th day of September of the year 1830 between the government and this tribe of Indians; the object of that treaty being to remove the Choctaw Indians from that old Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in that old Choctaw Nation article fourteen was put into the treaty of 1830; article fourteen is the

part of the treaty under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A Yes sir I think so.
- Q Who did. A I heard my mother say my grandfather did.
- Q What was your grandfather's name? A Tillimah.
- Q What else; any other name; did you ever hear any other name? A No sir.
- Q Is that an Indian name? A Yes sir.
- Q And Tillimah is the Indian ancestor through whom you claim? A Yes sir.
- Q Your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A Full.
- Q Now you claim through your mother; is that your mother's father? A Yes sir.
- Q You claim your mother was a full blood; therefore she must have gotten Choctaw blood from Tillimah's wife; did she? A She must have; yes sir.
- Q What was her name? A Becky.
- Q Is that all? A Yes sir.
- Q These were the Choctaw parents of your mother were they? A Yes sir.
- Q Your grandfather and grandmother; is that right? A Yes sir.
- Q You claim also through your father Jerry Hill do you not? A Yes sir, part.
- Q And Jerry Hill had how much Choctaw blood? A One fourth.
- Q Did he get it through his father or mother? A His mother.
- Q What was her name? A I don't remember her name now.
- Q You can't go back any further than Jerry Hill on that side? A No sir.
- Q How old would your father be if living now? A About sixty of years old.
- Q Was he born in Mississippi? A Yes sir.
- Q You don't know anything about his parents? A No sir.
- Q Don't know whether any of his parents lived in Mississippi in 1830 and had families there then? A No sir.
- Q Do you know whether Tillimah or Becky his wife whom you claim were full blood Indians and the parents of your mother lived in Mississippi in 1830 and had children living with them then? A You say my grandfather?
- Q You heard the question. A Yes sir they lived there in Missis-

Mississippi.

- Q Did they live in Mississippi in 1830 and have a family then? A Yes sir, I think so.
- Q Did they go to Colonel William Ward within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi or Alabama the land and become citizens of the states? A I've heard my mother say they did.
- Q Is she the only source of your information? A Yes sir.
- Q Tell me all about their going to Colonel Ward; did Tillemah go alone or did he go with Becky or for Becky and himself?
- A I think he went for her and himself.
- Q Did't anybody go for Becky? A He went for them both.
- Q How do you know? A I heard mother talk of it.
- Q Do you know about that through your mother? A Yes sir.
- Q Did he get any rights when he went before Colonel Ward for himself and his wife Becky? A No sir I think he was rejected.
- Q Why was it? A I don't know sir.
- Q Did either of them live on land after the treaty of 1830 was ratified five years and then get a patent from the government under article fourteen of the treaty of 1830?
- A I don't know; they lived on land in Mississippi in Newton County I think.
- Q Do you know where that land is located? A It's about thirty or forty miles southeast of Meridian I think; I know in fact it is.
- Q How long did they live on that land? A Several years I don't know exactly how many years.
- Q What years did they live on it? A I don't know exactly.
- Q How many acres was in that land. A I think there was one hundred and sixty; I don't know any more than my mother said about it.
- Q Was Tillemah of age and married at the time he went to Colonel Ward? A I don't know sir; he must have been though.
- Q Why your said awhile ago he made application for himself and wife. A He must have been married.
- Q And was one hundred and sixty acres what he got when he went to Colonel Ward? A I don't know that he got any; he settled on land I think.
- Q Just took it up? A Yes sir.
- Q He didn't get it from the government.
- A No sir.
- Q Perhaps he bought it; do you know about that? A No sir; he didn't buy it; just settled it up.
- Q You don't know what years he lived on it? A No sir.
- Q And you don't know whether he was given that by the government? A No sir.
- Q Do you know whether his name or his wife's name appears on any of the rolls or records in the possession of the Commission of Choctaw Indians? A I don't know sir.
- Q Of Choctaw Indians who were beneficiaries under article fourteen of the treaty of 1830 or whose names were on any rolls made by the Commission of 1837 or 1842? A No sir I don't know.
- Q Do you know whether Tillemah's name appears on any list made by the officials of the government of those who received scrip from the government under the act of Congress approved August 23 1842? A No sir.

- Q Does Becky's name appear on any such list? A I don't know sir.
- Q Do you know whether the names of your Choctaw ancestor Tillemah or his wife Becky or any of the ancestors of Jerry Hill if Choctaw Indians went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir.
- Q Did they at any time between the ratification of the treaty of 1830 and the date of this application made by you today, for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A No sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Yes sir I think so.
- Q Was that on this land you have been speaking about? A Yes sir.
- Q Do you know what those improvements consisted of? A Some of it was in cultivation, a few little houses built on it.
- Q Houses, barns and fencing? A Yes sir.
- Q Ever see them? A No sir.
- Q How do you know? A My mother says so.
- Q She told you all about it? A She told me some thing about it.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 which commissions were appointed by various acts of Congress to hear Choctaw Indian claimants who claimed their rights under article fourteen of the treaty of 1830 which rights had been denied them by Colonel Ward? A I learned that they did.
- Q Before which one did they go? A I suppose before Colonel Ward.
- Q If they went before Ward they went in 1831. And if they went in 1831 and were refused rights by Colonel Ward or refused registration they might have gone in 1837 and if they didn't go in 1837 before that Commission they might have gone before the Commission of 1842. Now do you know whether they went before either of these two commissions or did they go before Colonel Ward first and then try the Commission of 1837 and then the Commission of 1842? A I don't know; I'm not positive about it.
- Q Because these two commissions, the one in 1837 and 1842 were appointed for the purpose of hearing Choctaw Indians who claimed that they had gone and tried to register before Colonel Ward and had been refused the right to register by him. You don't know anything about their going before these other commissions? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government under act of Congress approved August 23 1842 which scrip entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas? A Not as I know of.
- Q You never heard that this land which was held by Tillemah, Becky or either or them or both of them was received by virtue of scrip issued to them by that act of Congress? A No sir I never heard that.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives who have been before this commission to be identified as Mississippi Choctaws? A Yes sir.
- Q Who is James R. Smith? A A cousin of mine.
- Q Do you want to have his case considered with yours? A Yes sir.
- Q We claim through the same common ancestor through whom you claim? A Yes sir.

- Q He claims through Tillemah does he? A Yes sir.
Q Was Tillemah and his wife Becky the father and mother of Nancy Jane Smith; was she a daughter of theirs? A Yes I suppose that's so.
Q But how was she related to you? A That's my mother's kin folks. My mother's sister.
Q Your mother Dinah Hill was a sister of Nancy Jane Smith?
A Yes, sir.

The case of James R. Smith et al M.C.N. 6640 is here referred to for the purpose of consolidation.

Thirty days time is allowed in this case for the taking of additional testimony.

Examination by Mr McRea:

- Q Mr Hill can you read and write? A Yes sir.
Q Do you know anything about figures? A Yes, sir.
Q How old would your grandfather Tillemah be if he was living now. A About eighty odd years old I suppose.
Q Now the treaty was made between the United States government and the Choctaw tribe of Indians in September 1830 and was ratified in February 1831; now can you estimate how long that has been; about how many years from 1831 up to the present time? A It's been seventy years.
Q And if your grand father Tillemah if living would be eighty odd years of age now he couldn't have been a man grown at that time could he? A No sir.
Q Then are you sure you are correct when you stated that your grandfather Tillemah and your mother Becky lived in Mississippi in 1830 and was the head of a family at that time?
A No sir I don't know.
Q Where was your mother Dinah born? A Newton County Mississippi.
Q Was she born on this place that you are told that your grandfather owned? A Yes, sir I think so.
Q She will testify to that will she? A Yes, sir.
Q Now Mr. Hill the name of Tillemah appears upon the records now in the possession of the Commission on page 400 Choctaw Nation against the United States showing that he received benefits under article fourteen of the treaty of 1830 and that his rights were adjudicated by the Commission sent out by the Congress of the United States in 1842 and that there was a certificate of scrip issued to him for 160 acres of land. Do you think that this is the same Tillemah that you have given as your grandfather? A Yes sir.
Q Your mother speaks the Choctaw language? A She used to.
Q Answer me yes, or no. A No sir.

By the Commission:

Mr. Hill you were asked the question particularly by me in the examination before you were examined by Mr McRea and my understanding is that you stated that you knew nothing about any scrip being issued to Tillemah by virtue of which scrip land was afterwards held by Tillemah to-wit 160 acres; in answer to your attorney's question you state that the Tillemah whose name appears upon the record quoted by him now in the possession of the Commission was a beneficiary under article fourteen of the treaty of 1830 and as having received

land by virtue of scrip being issued to him, is the same Tillemah through whom you make your claim; how is it that your memory is so easily refreshed when Mr. McRea quotes this record to you and asked the question? A My mother told me so.

Q Then why couldn't you have told me so when I asked the question?
A If I told you anything else I didn't intend to; I intended to tell you just that.

Q If you knew that fact then, you should have told it, and it's evident you knew it afterwards, and failed to tell it when the question was first asked you. Are you sure that your mother ever told you that Tillemah your grandfather ever received any land as a beneficiary under article fourteen of the treaty of 1830 by virtue of scrip issued to him, for 160 acres of land under act of Congress approved August 23 1842?

A Yes sir.

Q Did she ever tell you about the act of Congress of 1842?

A Yes, sir.

Q Did she name to you that act of Congress approved August 23 1842? A I don't know whether she did or not.

Q Did she use the word "scrip" to you? A Yes sir.

Q What is scrip; is it money?

A Scrip is an agreement.

Q What kind of agreement? A A written agreement.

Q Who made that written agreement which you say scrip is?

A I don't know sir; the commissioners which they was before.

Q What did your mother tell you about that commission of 1842?

A She talked to me about it many years ago.

Q How many years ago; when did she talk with you about it?

A I talked with her about it last year.

Q Did she tell you when that Commission met? A She's old and decrepit and of course didn't have very much to say but I went over to see her about this matter.

Q Did she tell you when that commission met? A No sir.

Q Did she tell you where that Commission was? A No sir.

Q Did she tell you what the duties of that commission were? A No sir, I don't suppose she knew.

Q Did she know whether or not that commission issued certificates or scrip for land? A She said she thought Tillemah had come in possession of it.

Q Possession of what? A Scrip to land.

Q You are quite sure that Tillemah was married to Becky and that he went as a married man to Colonel Ward and tried to get rights under article fourteen of the treaty of 1830 are you? A Yes sir.

Q Is Tillemah your grandfather the same Tillemah who, as a married man - married to Becky - went to Colonel William Ward in 1830 and tried to register under article fourteen of the treaty of 1830. (No answer) A

Q Don't you understand that language. A I heard what you said.

Q Do you understand that? A No, sir.

Q I say then you don't understand the plainest English that can be spoken; I will ask you again. Do you understand this: Was your grandfather Tillemah who married your grandmother Becky a married man in the year 1830 and did he as a married man go to Colonel William Ward and attempt to register under article fourteen of the treaty of 1830 within six months after the treaty of 1830 was ratified? A No sir.

Q Don't you understand that? A Yes sir I understand it now but I say no sir.

- Q Then he wasn't married then? A No sir.
- Q Well, a little while ago you said he was. A Well he wasn't.
- Q What makes you change it now; can you give any reason why you change it? A I didn't understand your question.
- Q Don't you change it now because you have been prompted by your attorney? A No sir.
- Q Didn't he call your attention to the fact that a Tillmah whose name appears upon the record quoted by him couldn't have been a married man at that time? A I must not have understood you when you asked me just now.
- Q Hasn't your attention been called to the fact that your grandfather by your own testimony could not have been married at that time? A Yes, sir.
- Q You made a mistake did you? A I made a mistake.
- Q You say you made a mistake? A Like a good many other things Judge; you have a good many things on your mind.
- Q But don't you know that when you come here to testify under oath in a very important matter such as this, that these mistakes should not be made? A Yes I understand that; but every body makes mistakes.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of negro and Indian blood which he claims is Choctaw blood; he claims to be five eighths Choctaw; his personal appearance would show that he has Indian blood; the quantity the Commission is unable to determine.

- Q Do you speak or understand the Choctaw language? A No sir.

He does not speak or understand the Choctaw language and his knowledge or information in regard to any of his ancestors having complied with article fourteen of the treaty of 1830 is based upon history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 21st day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of March 1903.

Charles H. Sawyer

Notary Public.

M.O.R. 6763.

Muskogee, Indian Territory, April 2, 1903.

A.S. McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of
Dinah Hill; offered for filing in support of the Mississippi Choctaw
cases of James W. Hill, et al.

The same has been filed with the record in these cases.

Respectfully,

Commissioner in Charge.

M.C.R. 8763

COPY.

Muskogee, Indian Territory, July 23, 1904.

James W. Hill,

Greenwood, Mississippi,

Dear Sir:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Smith et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

6763

No.

6763

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 21 1903

Date

Name James W. Hill.

Age 24 - Blood $\frac{5}{8}$

Post Office, Greenwood, Miss,

Father: Jerry Hill, d

Mother: Elinah " l

Claims through no other ~~3/4~~
and father, 1/4 (full.)

wife.

Edna Hill, l. w + dnd.

No claim for wife -

Children.

Claims for self
alone

Stenographer Clara Mitchell Wood.

FOR INFORMATION OF
AMERICAN INDIAN BUREAU

076

James M. Hill
RECEIVED

DECISION RENDERED MAY 11 1904

NOTICE OF DECISION
APPLICANT AMERICAN INDIAN BUREAU
1904

COPY OF RECORD
FOR ATTORNEYS
AND AGENTS

NOTICE OF
HWA
E. P. H.

RECORD FOR DEPARTMENT
AP

ACTION APPROVED BY
SECRETARY OF INTERIOR

NATIONAL DEPARTMENTAL

JULY 1904

RECEIVED ACTION
FOR CHOCTAW
INDIAN SITUATIONS

RECEIVED

Choctaw MCR 6764

James Green

MCR 6764

Department of the Interior,
Commission to the Five Civilized
Tribes.

In the Matter of the Application
of James Breen for Identification
as a Mississippi Choctaw.

AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of James Green for
Identification as a Mississippi Choctaw.

AFFIDAVIT.

State of Ohio,

Clark County, ss:-

James Green being first duly sworn says
he is a resident of the City of Springfield, Clark County, Ohio,
that he has heretofore made personal application to the
Commission to the Five Civilized Tribes for identification as
a Mississippi Choctaw; that Rene C. Sellers residing at Harveys-
burg, Warren County, Ohio and Charles Shaw residing at Hamburg
Franklin County, Mississippi are material witnesses to his said
claim; that the said Rene C. Sellers is a non resident of the
Indian Territory and of the State of Mississippi; and that the
said Charles Shaw is unable through age and infirmity to
personally appear before the Commission to the Five Civilized
Tribes; that the object in the taking of the depositions of
said witnesses is to prove deponents Choctaw lineage and his
right to be identified as a Mississippi Choctaw.

James Green

Sworn and subscribed to by the said James Green before me
this 5th day of March, 1908.

J. Frost Kitchen

Notary Public, Clark County, Ohio.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James Green, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

James Green, M.C.R. 6764
Charles W. Green, M.C.R. 7125

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of James Green for identification as a Mississippi Choctaw.

James Green being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Green.
Q What is your age? A Fifty two.
Q What is your post office address? A Springfield, Ohio.
Q How long have you lived there? A Ever since 1866.
Q Where did you live before that? A I lived at Troy.
Q In what state? A In Ohio.
Q How long have you lived in Ohio altogether? A Ever since I was three years old.
Q Where were you born? A In Mississippi.
Q And at the age of three did you go with your parents to Ohio? A With my father.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Jackson Green.
Q What was your mother's name? A Charlotte. My father was raised by a white family; his mother and father died and lost the Indian name.
Q So you don't know what your father's Indian name was? A No sir.
Q Did he take the name of the man that raised him? A No sir, the name they gave him.
Q They gave him the name of Green? A Yes, sir.
Q Was he a slave? A No sir.
Q Was your mother? A Yes, sir.
Q And was she liberated at the act of emancipation? A No sir, she was dead. Died in slavery.
Q I suppose you were born in slavery times? A Yes, sir; I was born of a slave mother. I was going to explain how I came to be free; my father purchased me from my mother's master when I was six months old.
Q Now you claim through which parent; father or mother?
A My father.
Q He was a slave? A No sir.
Q How much Choctaw blood do you claim? A One half.
Q How much Choctaw blood did your father have? A He was a full blood.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir I think not, I'm pretty certain he hasn't.
Q Do you know when and where your father and mother were married?
A They were married in the neighborhood of Hamburg Mississippi.
Q Do you know when they were married? A No sir I don't know exactly when.
Q Were they married by a minister under a license? A I can't say.

- Q Your mother was a slave; your father was an Indian, you claim and they just came together; they probably were not married like people are married now by a minister under a license. A It don't know what was the law in the slave states in respect to that.
- Q Your mother was a slave at the time your mother and father were married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Martha F. Green.
- Q What is her race? A She's a colored woman.
- Q You don't make any claim for her? A No sir.
- Q You have no minor children? A No minor children.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or attempted to do so? A Well I don't know; no sir; all I know is from what circumstances -- my grandfather and relatives -- and that they was related to me by my father.
- Q What is the name of your ancestor that you claim through.
- A Well the Indian name is lost as far as I know.
- Q Whose Indian name do you mean? A My father's Indian name.
- Q Can you go back any further than your father? A I cannot at present; perhaps I may.
- Q You can't give his father's name or his mother's name? A No sir

- Q Jackson Green is as far back as you can go. A Yes sir.
- Q And he was a full blood Choctaw Indian? A Yes sir.
- Q Your mother was a negro? A Yes sir.
- Q And a slave. A Yes sir.
- Q You claim all your Choctaw blood through your father?
- A Yes sir.
- Q You don't know anything about his father or mother?
- A No sir; I haven't been able to find out.
- Q How old are you? A Fifty two
- Q How old would your father be if living now? A Well as near as I can come at it about seventy five or six years old.
- Q Was he living in Mississippi in 1830 seventy three years ago
- A Yes sir.
- Q He was living in Mississippi seventy three years ago?
- A Yes sir.
- Q He was then about two years old. A Somewhere along there.
- Q Do you think his father and mother were living there at that time? A Yes sir.
- Q But you can't give their names. A I can't give their names; not at present; I may find out in the future; I'm trying to find out.
- Q Do you know whether anybody for your father Jackson Green who was when the treaty of 1830 was ratified an infant as you say living in Mississippi went to Colonel William Ward for him an infant child and attempted to register for him under article fourteen of the treaty of 1830 and thus attempt to protect his interests under that article? A I do not know.
- Q Do you know whether the name of your father Jackson Green appears upon any list made out by the officers of the government of the United States of Choctaw Indians and their families who were beneficiaries under article fourteen of the treaty of 1830? A Not as I know of.
- Q Do you know whether anybody for Jackson Green as an infant claimed for him any rights in that old Choctaw Nation in 1830 or 1831 or whether his parents whose names you are not able to give went before Ward the United States Indian agent and claimed any rights under article fourteen of the treaty of 1830 within six months from the ratification of the treaty. A No more than the circumstances; he was gone to some place that the government had ordered them when they taken sick and died as I can learn from my father.
- Q They were being removed from the old Choctaw Nation?
- A Yes sir; and they taken the small pox in the neighborhood of Hamburg in Franklin County Mississippi and died; my father had a brother and sister and they went on and there was a white family wanted him and they gave him to the family to raise; that's how he came to be with the white people.

In 1833 and between that time and 1838 the government under took to transfer the Choctaw Indians and their families from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at the expense of the government.

- Q Do you mean that your father or his father and mother with him attempted to go from that old Choctaw Nation to the Choctaw Nation Indian Territory but on the way died.
- A Well now I can't say where they were going but they were going some where and they taken sick and died; the government was removing them somewhere but I don't know where; I never knew.
- Q And how old was your father at that time? A Well he was two I understood him to say he was two years old; my recollection is that he was two years old when the white

people taken him to raise.

- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation five years after the treaty of 1830 was ratified and then get a patent from the government? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors go before a commission appointed by act of Congress approved March 3, 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any rights under article fourteen of the treaty of 1830? A Not as I know of.

These commissions were appointed by various acts of Congress to hear complaints of Choctaw Indians who stated that they had attempted to register under article fourteen of the treaty of 1830 but because Colonel Ward refused to allow them to register the government had taken the land from those Indians in the old Choctaw Nation and sold it at its public land sales.

- Q You don't know whether any of your Choctaw ancestors ever appeared before either of these commissions? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not as I know of.

This scrip was issued under act of Congress approved August 23 1842.

- Q Do you speak or understand the Choctaw language A No sir.
- Q Have you a lawyer. A No sir.

Thirty days time is allowed this applicant in which to introduce other testimony.

- Q Now because you have no lawyer the Commission will state to you this: your testimony is that your father was living in Mississippi in 1830 and was an infant then; your father claimed that he was a full blood Choctaw and therefore his father and mother must have been full blood Choctaw Indians and it may be that they were also living in Mississippi in 1831 at the time he was living there as an infant and that they either registered or attempted to register under article fourteen of the treaty of 1830 or that they attempted to make some claim for him for registration and it would be well in your case for you to get the name of your father and mother if you can - one of them or both of them and show that they did register or did attempt to register under article fourteen of the treaty of 1830 for themselves and for him and in order that you may have a little opportunity for the introduction of such proof you are allowed thirty days time; now you understand that do you? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; his features

James green 5

are finer than the features of a full blood negro; he undoubtedly has as he claims negro blood and other blood which he says is Choctaw Indian; the Commission is of the opinion that his features and the peculiar color shows a mixture of Choctaw and Negro blood.

Q You don't claim to have any white blood? A No sir.

If he has any white blood he certainly has a mixture of negro and Indian and the Commission is of the opinion that he has Indian blood. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Glara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 21st day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Glara Mitchell Wood

Subscribed and sworn to before me this 6th day of March 1903

Charles H. Sawyer

Notary public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of James Green, et al., for identification as Mississippi Choctaws, consolidating the applications of:

James Green,
Charles W. Green,

M.C.R. 6764
M.C.R. 7125

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by James Green for himself, and by Charles W. Green for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Minehahhah (or Mindanako), who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29Stats., 321).

It does not appear from the testimony and evidence offered in support of these applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Minehahhah (or Mindanako), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James

Green and Charles W. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 30 1904

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

, 190

South Mc Alester,
Central District,
Indian Territory,

I, Edwin D. Bevitt, do hereby swear that on the
11th. day of March, 1903, I delivered to Mr. Melvin Cornish,
of the Firm of Mansfield, Mc Murray & Cornish, of South
Mc Alester, I.T. a true copy of the "Interrogatories to be
submitted to Rene C. Sellers, residing at Harveysburg, Warren,
Ohio" hereto attached.

Edwin D. Bevitt

Sworn to before me and subscribed in my presence this
12th. day of March, 1903.

W. H. Mason

Notary Public

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

, 190...

South Mc Alester,
Central District,
Indian Territory,

I, Edwin D. Bevitt, do hereby swear that
on the 11th. day of March, 1903, I delivered to Mr. Melvin
Cornish, of the firm of Mansfield, McMurray & Cornish, of
South Mc Alester, I.T., a true copy of the "Interrogatories to
be submitted to Charles Shaw, residing at Hamburg, Franklin
County, Mississippi, hereto attached.

Edwin D. Bevitt

Sworn to before me and subscribed in my presence this
12th. day of March, 1903.

W. H. Moore
Notary Public

M.C.R. 6764.

Muskogee, Indian Territory, March 27, 1903.

J. Forest Kitchen,
Springfield, Ohio.

Sir:

Receipt is hereby acknowledged of a letter from E. B. Bevitt, South McAlester, Indian Territory, of March 12, 1903, enclosing affidavit and copy of direct interrogatories to be propounded to Rene Sellers of Harveysburg, Warren County, Ohio and Charles Shaw of Hamburg, Franklin County, Mississippi, witnessed in the Mississippi Choctaw case of James Green, M.C.R. 6764, together with evidence of the service of the same upon the attorneys for the Choctaw and Chickasaw Nations. It is noted in said letter that the said affidavits and interrogatories were forwarded by you to Mr. Bevitt for the purpose of making such service.

The application to take the depositions of said witnesses, being in due form, will be held the fifteen days for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, at the expiration of which time commissions will be issued for the taking of depositions and forwarded to you to be placed in the hands of an officer authorized to take depositions.

Respectfully,

Chairman.

M.C.R. 6764.

Muskogee, Indian Territory, April 21, 1903.

J. Forest Kitchen,
Attorney-at-Law,
Springfield, Ohio.

Sir:

Enclosed please find commission to take the deposition of Charles Shaw, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of James Green, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Enclosures:
J. D. #16.

Chairman.

M.C.R. 6764.

Muskogee, Indian Territory, April 21, 1903.

J. Forest Kitchen,
Attorney-at-Law,
Springfield, Ohio.

Sir:

Enclosed please find commission to take the deposition of Rene C. Sellers, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw, of James Green, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

Enclosures:
J. D. LE

Chairman.

M C R 6764

Muskogee, Indian Territory, May 26, 1903.

J. L. Caloote,
Hamburg, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing the deposition of Charles Shaw, offered in support of the Mississippi Choctaw case of James Green. The same has been filed with the record in said case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 7, 1903.

James Green,
Springfield, Ohio.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on February 21, 1903, you made application to this Commission for identification as a Mississippi Choctaw, and that on May 26, and June 1, 1903, there were filed with the record in your case the depositions of Charles Shaw and Rewena C. Sellers, offered in support of your application.

The Commission has not reached any opinion or decision relative to your right to such identification, but upon the rendition of a decision you will be given due notice thereof.

Respectfully,

Chairman.

M.C.R. 5764

COPY.

Muskogee, Indian Territory, April 28, 1904.

James Green,

Springfield, Ohio,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James L. Lick

Chairman.

Registered.

M.C.R. 6764

COPY:

Muskogee, Indian Territory, April 28, 1904.

J. Forest Kitchen,
Attorney at Law,
Springfield, Ohio,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al., which embraces the following cases:

James Green, M.C.R. 6764
Charles W. Green, M.C.R. 7125.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Pixby.

Chairman.

Registered.

M.C.R. 6754.

COPY:

Muskogee, Indian Territory, April 28, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Enc. MCR 6764.

COPY.

Muskogee, Indian Territory, May 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of James Green et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 30, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

James Green, M.C.R. 6764
Charles W. Green, M.C.R. 7125.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6764.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land

WASHINGTON

June 8, 1904.

38615-1904.

The Honorable,

The Secretary of the Interior

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of James Green, for himself, and Charles W. Green for himself, for identification as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on March 30, 1904.

It is shown by the record in this case that the applicants base their claim to a right to identification on their descent from Minnehaha or Mindanako, through her son, Jackson Green it being alleged that Minnehaha was a member of the Choctaw tribe of Indians of Mississippi, but as to whether either if these ancestors complied or attempted to comply with the Choctaw Treaty no definite proof is furnished. Depositions of old persons who claim to have known these ancestors in Mississippi are given, but not anything to support the presumption that they were beneficiaries under the Fourteenth Article of the Choctaw Treaty of 1830.

The Commission rejected the applicants for the reason that

examination of the records failed to show that Minnehaha or Mindanake either complied or attempted to comply with the Choctaw Treaty or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Minnehaha or Mindanake and Jackson Green, and it is ascertained that their names do not appear among the names of those Choctaws who received land or scrip under the provisions of the Fourteenth Article of the Choctaw Treaty of 1830 or the subsequent legislation relative thereto.

I therefore recommend that the decision of the Commission rejecting them be approved.

Very Respectfully,

A. C. Turner,

Acting Commissioner.

E. B. H. - L. C.

(COPY)

T. W. H.

DEPARTMENT OF THE INTERIOR

WHE

D.C. 25616-1904. WASHINGTON July 21, 1904.
I.T.D. 4700-1904.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

May 14, 1904, you transmitted the record in the consolidated case embracing the applications of James Green et al., (M.C.R. 6764), for identification as Mississippi Choctaws, including your decision of March 30, 1904, refusing to identify them as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, August 1, 1904.

James Green,
Springfield, Ohio,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

T.B. Needles
Commissioner in Charge.

M.C.R. 6/64

Copy.

Muskogee, Indian Territory, August 1, 1904.

J. Forest Kitchen,
Attorney at Law,
Springfield, Ohio,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

SIGNED

T.B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August, 1, 1904.

Wansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al., of which decision you were advised by mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M C R 5764

Muskogee, Indian Territory, October 17, 1904.

Charles W. Green,
Springfield, Ohio.

Dear Sir:

Receipt is hereby acknowledged of your letter, dated October 2, 1904, by reference from the Secretary of the Interior. Therein you request a copy of the depositions, evidence and arguments in the consolidated Mississippi Choctaw case of James Green, et al.

In reply you are advised that all papers in the case above referred to are now in the hands of the Secretary of the Interior and the Commission is therefore unable to comply with your request.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

This office has recently received, direct, and by reference from the Department, several communications from one Charles W. Green, of Springfield, Ohio, requesting a copy of the papers in the consolidated Mississippi Choctaw case of James Green, et al., of which the application of Charles W. Green is a part.

The record in this case, together with the Commission's decision refusing the applicants, was forwarded the Secretary of the Interior, through the Commissioner of Indian Affairs, on May 14, 1904, said decision being approved July 21, 1904.

As the entire record in the case in question is in the hands of the Department, the Commission cannot comply with Mr. Green's request, and his letter of the 3rd instant referred to this office is herewith returned.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Mail 21

Card No.

NAME

RESIDENCE-COUNTY

POST OFFICE

AGE

Arch 6764

James Green, et al

Consolidated Case

Mindanao (F)

Jackson Green, full 11
wife
Charlotte Green, neg. 11

web
6764
James Green, 52 1/2
wife
Martha E Green, neg.

web
7125
Charles W. Green, 27 1/4
wife
Elinora Green, neg

6764

No.

6764

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 1 1903

Name

James Green.

Age

52 + Blood $\frac{1}{2}$

Post Office

Springfield, Ohio.

Father;

Jackson Green, d

Mother;

Charlotte " " d

Claims through

father, full
wife.

Martha E. Green, nee d.

No claim for wife

Children.

Claim for self

Stenographer

Candace W. Wood

FOR THE MISSISSIPPI CHOCTAW

James. Green
REFUSED.

DECISION RENDERED

NOTICE OF DECISION FORWARDED

NOTICE OF DECISION

COPY OF DECISION FORWARDED
TO ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT

MAY 14 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUL 21 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
MAILED ATTORNEY FOR APPLICANT.

REFER TO M. C. R. 7/25

Choctaw MCR 6765

Perry Cheatham

MCR 6765

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 21, 1903.

In the matter of the application of Perry Cheatham, Sr., for identification as a Mississippi Choctaw.

Thomas & Harrison Attorneys for applicant represented by Mr Harrison.

Perry Cheatham, Sr., being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Perry Cheatham, Sr.
Q What is your age? A Seventy five.
Q What is your post office address? A Stillwater Oklahoma; Payne County.
Q How long have you lived in Oklahoma? A About thirteen years as high as I recollect.
Q Where did you live before that? A Kansas.
Q Where were you born? A Kentucky.
Q How long did you live in Kentucky? A About fifty six years I guess.
Q Then from there you went to Kansas? A No I went to Missouri.
Q And from there to Kansas? A Yes sir.
Q Is your father living? A No sir.
Q Your mother is not living? A No sir.
Q What was your father's name? A David Cheatham.
Q What was your mother's name? A Polly.
Q Do you claim your Choctaw blood through your father or mother
A Father.
Q How much do you claim? A One fourth.
Q Was your father one half Choctaw Indian? A That's what he claimed.
Q Is your wife living? A No sir.
Q What was her name? A Lucy Jane.
Q What was her race? A She was a white woman.
Q You claim for yourself alone do you? A Yes sir.
Q How long did you live in Kentucky? A I was born in 1827 and I left there near fifty seven. You can get at it that way.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No I guess not.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir I haven't.
Q Is this your first application? A Yes sir.
Q Do you want to be identified as a Mississippi Choctaw? A I suppose that's what I'm after.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q You understand that do you? A I think I do ; I've read it.

what article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article; do you know? A Not that I know of.
- Q Who do you claim through? A John Harper.
- Q Do you claim through his wife? A Yes sir.
- Q What was her name? A Polly I believe; I aint certain.
- Q How much Choctaw blood did John Harper have? A Said to be a full blood Indian. His wife too.
- Q What relation was John Harper to you? A He was my great grand father.
- Q Was Polly your great grandmother? A Yes sir.
- Q Did they live and have a family in Mississippi in 1830? A I dont know.
- Q Did they go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of that treaty? A Not that I know of.
- Q Did they live on land in the old Choctaw Nation either in Mississippi or Alabama five years and then get a patent or deed from the government for that land? A Not that I know of.
- Q Did they go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A Not that I know of. I don't know only what I've been told; he owned land where he was; where he lived.
- Q Where was that? A In Montgomery County Kentucky.
- Q Not in Mississippi? A No, he was living there when I first recollect and remained there.
- Q Did John Harper or his wife Polly go before a Commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I've heard it talked that he went down there to make claim.
- Q That was in 1831? A Yes sir. Thirty and thirty one.
- Q You don't know about the other years thirty seven and forty two? A No I dont.

- Q Did any of your Choctaw ancestors receive any scrip from the Government which was issued under act of Congress approved August 25 1842? A Not that I know of.
- Q Do you speak or understand the Choctaw language? A No.
- Q Are you related to Christopher G Hanks? A We always called him Fielding.
- Q There was a Fielding Hanks but a man named Christopher G. Hanks has been before the Commission within a month or two.
- Q Do you know anything about such a man? A I know the Hanks but I've been away from there a good while and I don't know what their names was.
- Q Do you know a man named Charles W. Huff? A No sir.

Thirty days time is allowed in this case for the introduction of other testimony:

By Mr. Harris on:

- Q Did you know a gentleman by the name of Columbus Hanks or Sam Hanks? A No sir.
- Q Who was this Fielding Hanks? Fielding Hanks and my grand father married Harper's daughters.
- Q What was Fielding Hanks's wife named? A Jydia.
- Q And what was her sister's name? A Polly.
- Q Do you know the names of any of the children of Fielding Hanks and Jydia, one of the daughters, do you remember?
- Q He had one named Nancy and one name Louisa and ---
- Q Did he have one named Lucinda? A Louisa is what I always called her; if there was a Lucinda I don't recollect it now.
- Q You don't remember a son or grandson of Fielding Hanks by the name of Sam or Columbus? A No sir.
- Q Do you know any of the Evans family in Kentucky? A I can give the names of three or four of the older boys of Fielding Hanks if you want them?
- Q What are their names? A Gid and Jack and George and Will.
- Q Do you know the Evans family in Kentucky - a man named Henry Evans? A I know the Evans there.
- Q Did any of them marry a daughter of Fielding Hanks? A Henry Evans.
- Q Which one of the daughters did he marry? A I don't recollect as he married any one; I've been away from there forty five years.
- Q Do you remember when John Harper died? A No sir I can't give you his age.
- Q How long have he came back from Mississippi was it; do you know? A I can't tell you because I don't know; I was small; I don't recollect.
- Q Did you ever hear of John Harper's wife being called Mary Ann as well as Polly? A Not that I recollect of; they always called her Polly.
- Q She might have been called Mary Ann might she not? A Yes sir it was considered all the same; they always called them that way.
- Q Isn't it a fact that Mary Ann and Polly are generally considered one and the same name? A That's the way I've always considered it; I don't know whether it's right or not.
- Q Hasn't it been the custom in your family for one whose name was Mary Ann to be also called Polly? A Yes sir.

Q Where did you get that information from -- about John Harper trying to put in his claim as a Choctaw Indian in Mississippi along about 1832? A I didn't get any at that time.

Q I know you didn't get it then but when did you get it that he at that time did that? A The first I got of it was when they commenced working on this here; that was the first of it.

Q What you know about it is what you have learned through your family - talking with other members of your family?

A Yes sir; I don't know anything of my own certain knowledge.

Q Then what you do know is what you have learned from talking with members of your family? A That's all I know.

The case of the application of Perry Cheatham Junior M.C.R. 6740 is here referred to said Perry Cheatham Junior being the son of this applicant in whose application the proof of the marriage of his father and mother are filed.

This applicant has a florid complexion; blue eyes; gray hair and mustache.

Q What was your hair formerly; black or light? A It was black.

Hair was formerly black.

Q Do you understand the Choctaw language or speak it?
A No sir I don't speak it and I don't understand it.

Q Has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wed being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 21st day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wed

Subscribed and sworn to before me this 6th day of February 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6765.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Perry Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.O.R. 6765.

Muskogee, Indian Territory, November 6, 1903.

Perry Choatham, Sr.,

Stillwater, Oklahoma.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6765.

Muskogee, Indian Territory, June 26, 1905.

Perry Cheatham, Sr.,

Stillwater, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

6765 No. 6765
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date FEB 21 1903

Name Perry Cheatham Sr

Age 75- Blood 114

Post Office, Stillwater, Okla.

Father: David Cheatham d

Mother: Polly " 'd

Claims through father 1/2
wife. Lucy Jane " (d) w

~~Children:~~

Claims for sep
alone

Stenographer Clara Mitchell Wood

M C R 6765

Muskogee, Indian Territory, March 17, 1904.

Perry Cheatham, Sr.,
Stillwater, Oklahoma.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

FOR THE
A MISSISSIPPI CHOCTAW

Perry Cheatham. Sr

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

COPY OF DECISION MAILED
ATTORNEY FOR APPLICANT.

MAR 14 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 14 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 14 1905

NOTICE OF DEPARTMENTAL
ACTION FORWARDED AT

REFER TO M. C. R.

5670

Choctaw MCR 6766

William N. Hudson

MCR 6766

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of William N. Hudson, et al., for identification as Mississippi Choctaws, M.C.R. 6766.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William N. Hudson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of William N. Hudson, et al., for identifi- cation as Mississippi Choctaws-----	5

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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of William N. Hudson for the identification of himself and his two minor children Azzie and Alzada Hudson as Mississippi Choctaws.

B.S. Johnson Attorney for applicant.

William N. Hudson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William N. Hudson.
Q What is your age? A Twenty six.
Q What is your post office address? A Elba Alabama.
Q How long have you lived in Alabama? A All my life.
Q How long in Elba.
A About eight years.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Giles Hudson.
Q What was your mother's name when she died? A Peggy Hudson.
Q Through which parent do you claim Choctaw blood? A By my mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your mother one fourth Choctaw Indian? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q In the Choctaw Nation Indian territory? A No sir.
Q Is your wife living? A Yes, sir.
Q What is her race? A White.
Q What is her name? A Fannie.
Q Do you make any claim for your wife? A No sir.
Q Give me the names of your children beginning with the oldest?
A Azzie.
Q Is that a boy or girl? A Boy.
Q How old is Azzie? A Four years old.
Q The next? A Alzada.
Q That's a girl is it? A Yes sir.
Q What is the age of that child? A A year old.
Q Are these the only children you have? A Yes, sir.
Q You claim for yourself and two children do you? A Yes, sir.
Q Is your wife Fannie the mother of these two children? A Yes sir.
Q Are you and she living together as husband and wife at your home and are these children living with you there?
A Yes sir.
Q Have you the proof of your marriage to your wife here?
A No sir.
Q Can you tell when you were married to her? A I was married the fourteenth of February 1898.
Q Were you married by a minister under license? A Yes sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I have read it.
- Q Do you want it explained further or not? A I reckon not.
- Q You think you understand it well enough now? A Yes sir.
- Q It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article; do you know? A No sir not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw. A Wood, Freeman Wood.
- Q What relation was Freeman Wood to you? A Grandfather.
- Q Do you know anything about his father or mother? A No sir.
- Q Do you know anything about his wife? A No sir.
- Q How much Choctaw blood did Freeman Wood have? A Half is what I've been told.
- Q What evidence or proof have you that Freeman Wood was one half Choctaw Indian? A I haven't got any only just people has told me.
- Q Family history and tradition? A Yes sir.
- Q Did Freeman Wood live in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was he the head of a family there at that time? A I don't know sir whether he was or not.
- Q Did he ever live in Mississippi or Alabama? A He lived in Alabama.
- Q Do you know ~~where~~ in Alabama he lived?

- A He lived in South Alabama.
- Q In what county? A In Covington.
- Q Do you know whether he lived there in 1830 or can you tell where was it he did live then? A I cant tell.
- Q Did he within six months after the treaty of 1830 was ratified go to the United States Indian agent Colonel Ward and tell him that he wanted to stay in Mississippi take land and become a citizen of the United States? A I don't know whether he did or not.
- Q Did he live on land in the old Choctaw Nation in Mississippi or Alabama five years and then get a patent from the government I suppose he lived there.
- Q How about his getting a deed or patent from the government; do you know anything about that? A No sir.
- Q Did he occupy land at all in the old Choctaw nation under article fourteen. A I've been told he did.
- Q Did he get that land from the government or did he purchase it himself? A I don't know sir.
- Q Do you know where that land was situated? A No sir.
- Q Do you know how much there was? A No sir.
- Q Do you know what became of it; that is to whom it passed.
- A I suppose that he was beat out of it some way or other.
- Q By whom and how, under what circumstances? A I don't know sir; I never did learn. I've just heard that.
- Q Have you heard from members of the family that Freeman Wood applied for the right of identification before Colonel Ward and then tried to occupy land under article fourteen in Alabama and was refused? A I don't remember.
- Q Do you know whether any of your Choctaw ancestors Freeman Wood or any other since his time went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A No sir I dont.
- Q Did you ever hear that any of your ancestors went from the old Choctaw Indians with the other Indians between 1833 and 1838 at the expense of the government? A No sir.
- Q Did any of them own improvements on land in Alabama in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of them ever live in Mississippi? A Yes sir, my grandfather went from Mississippi to Alabama.
- Q Freeman Wood? A Yes sir.
- Q You cant give the date when he lived in Mississippi or Alabama? A No sir.

In 1837 under act of Congress approved March 3 of that year a commission was appointed and also in 1842 another commission was appointed by act of Congress approved August 23 of that year; these two commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; those Indians who appeared before either the Commission of 1837 or the Commission of 1842 claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty of 1830 but Colonel William Ward the agent refused to allow them to register and because of his refusal the government had afterwards taken the land from those Indians which they had in the old Choctaw Nation and sold it; did any of your Choctaw ancestors go before either of those two commissions and claim any rights or benefits under article fourteen of the treaty of 1830?

A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip or these certificates as they might be called were issued by act of Congress approved August 23 1842 and authorized the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold.

Q Do you speak or understand the Choctaw language? A No sir.
Q Do you want any time in this case Mr Johnson? A Yes sir I want thirty days.

Time will be allowed this applicant up to and including the 24 th day of March 1903 in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; gray eyes; medium light complexion; has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Mara Mitchell Wood

Subscribed and sworn to before me this 4th day of March 1903.

Charles W. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---q---

In the matter of the application of William N. Hudson, et al.,
for identification as Mississippi Choctaws, M.C.R. 6766.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by William N. Hudson for himself and his two minor children, Annie
and Alsada Hudson, under the following provision of the act of Con-
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of Freeman Weed, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Freeman Weed, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. Hudson, Annie Hudson and Alvada Hudson, as Choctaw Indians

-3-

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamr Dixie.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. D. Freckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

AUG 1 1903.

COPY.

Washington, D. C. August 1, 1907.

M. J. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of August 1907 the Commission to the Five Civilized Tribes rendered a decision in the case of William N. Hudson, et al., applicants for identification as Missions Chocktaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William N. Hudson, Annie Hudson and Alzada Hudson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

B S J 2

have been allowed fifteen day from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. B. Needles

Commissioner in Charge.

Registered.

OPY.

6766

Memorandum, Indian Affairs, Bureau of Indian Affairs, 1903.

William N. Hudson,
Elba, Alabama.

Dear Sir:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William N. Hudson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 18 8 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William N. Hudson, Azzie Hudson and Alzada Hudson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

W H H 2

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

F. B. Needles.

Registered.

Commissioner in Charge.

COPY.

D. C. 6766

Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of William W. Hudson, et al., applicants for identification as Choctaw Indians.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495):

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William W. Hudson, Azzie Hudson and Alzada Hudson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

F. B. Neel

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William F. Hudson, et al., applicants to the Commission for identification as Mississippi Choctaws including the decision of the Commission of August 1, 1903.

The Commission has the honor to report that the principal applicant herein his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

L. B. Needles.
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 6766

(COPY).

DEPARTMENT OF THE INTERIOR,
Land. OFFICE OF INDIAN AFFAIRS,
53572-1903. WASHINGTON, November 4, 1903.

The Honorable,
The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of William N. Hudson for himself and his two minor children: Azzie and Alzada Hudson, for identification as Mississippi Choctaws.

The testimony shows that the applicants base their claim to identification on their descent from Freeman Wood who is alleged to have been an one-half blood Choctaw Indian and a resident in Mississippi or Alabama at the date of the making of the Choctaw Treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and for additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Freeman Wood, and it is discovered that his name does not appear among the name of those who complied or attempted to comply with the provisions of the said article of the treaty, neither does it appear that he applied to the Commissions appointed under act of March 3, 1837 and August 23, 1842, for^{an} adjudication of his rights, if any he had, as a Choctaw Indian.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C.(B).

(COPY).

DEPARTMENT OF THE INTERIOR,

W.C.F.
F.H.E.

WASHINGTON,

November 19, 1903.

D.C. 32647.
I.T.D. 7924-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of William N. Hudson for himself and his two minor children, Azzie and Alzada Hudson, including your decision of August 1, 1903, refusing to identify them as such.

The applicants trace their Choctaw descent from Freeman Wood, the grandfather of the principal applicant, William N. Hudson. Said ancestor is alleged to have been an one-half blood Choctaw Indian.

The evidence furnished by the records as well as the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter November 4, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 6766.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William N. Hudson et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

Tame Dixby.
Chairman.

M.C.R. 6766.

COPY:

Muskogee, Indian Territory, December 3, 1903.

B. S. Johnson,

Attorney-at-Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William M. Hudson et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R. 6766.

Muskogee, Indian Territory, December 3, 1903.

William W. Hudson,
Elba, Alabama.

Dear Sir:

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William W. Hudson et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Jams Bixby.
Chairman.

6766

No. 6766

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name William N. Hudson.

Age 26

Blood

1/8

Post Office,

Elba, Ala.

Father:

Giles Hudson. l.

Mother:

Peggy " d.

Claims through

mother 1/4
wife

Fannie Hudson, l. w.

No claim for wife.

Children:

Azzie Hudson M. 4

Alzada " F. 1

Claims for self 2

2 mm

Stenographer Clara Mitchell Wood

FOR IDENTIFICATION
A MISSISSIPPI HO

William N. Hudson

0

ACTION

ION

CHOCTAW

Choctaw MCR 6767

Hattie Morris

MCR 6767

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of Hattie Morris for the identification of herself and her minor child Sylvester Perry Morris as Mississippi Choctaws.

Thomas & Harrison Attorneys for applicant represented by Mr. Harrison.

Hattie Morris being first duly sworn testified as follows.

Examination by the Commission:

- Q What is your name? A Hattie Morris.
 Q What is your age? A Twenty.
 Q What is your post office address? A Youst Oklahoma.
 Q How long have you lived in Oklahoma? A About thirteen years.
 Q Where were you born? A Missouri.
 Q Did you go from Missouri to Oklahoma? A No sir.
 Q Where in Missouri were you born? A Bates County.
 Q From there you went to what state? A Kansas.
 Q How long did you live in Kansas? A About seven years.
 Q Where did you live in Kansas? A Greenwood County.
 Q From Kansas you went where? A Oklahoma.
 Q How long have you lived in Youst? A About two years.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A No sir.
 Q What is your father's name? A Perry Cheatham Junior.
 Q What was your mother's name? A Adeline Cheatham.
 Q You claim your Choctaw blood through your father? A Yes sir.
 Q How much do you claim? A One sixteenth.
 Q How much Choctaw blood has your father? A One eighth.
 Q He has been before the Commission to be identified as a Mississippi Choctaw? within a few days? A Yes sir.

The case of Perry Cheatham Junior the father of this applicant M.C.R. 6740 is here referred to for the purpose of consolidation.

- Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian territory? A No sir.
 Q Are you married? A Yes sir.
 Q What is your husband's race? A White.
 Q What is his name? A Albert Morris.
 Q Do you make any claim for your husband? A No sir.
 Q You say you have one child? A Yes sir.
 Q What is that child's name? A Sylvester Perry Morris.
 Q How old is he? A One year old.
 Q You claim for yourself and this boy? A Yes, sir.
 Q Is Albert Morris the father of this boy? A Yes sir.
 Q Are you and your husband living together as husband and wife and is this child living with you at your home? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10 1896? A No sir.
- Q This is your first application? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you want to be identified now with your child as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article or would you like to have it explained? A I think I understand it.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A I don't know.
- Q What is the name of the ancestor or what are the names of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.
- Q How much Choctaw blood did he have? A Full.
- Q What relation was John Harper to you? A He was my great great grandfather.
- Q Do you claim any Choctaw blood through his wife? A Yes sir.
- Q What was her name? A Polly Harper.
- Q Did she have any other name? A Not that I know of.
- Q How much Choctaw blood did she have? A Full.
- Q Was she your great great grandmother? A Yes sir.
- Q Are you sure that it is your great great grandfather or your great great great grandfather - three greats?
- A It's three greats I guess.
- Q And Polly was your great great great grandmother was she?
- A Yes sir.
- Q Would you like to change it? A Yes sir.

- Q Did they live in Mississippi in 1830 or Alabama in the old Choctaw Nation and have a family in that old Choctaw nation at that time? A I don't know.
- Q Did you ever hear that John Harper and his wife ever lived in the old Choctaw nation? A No sir.
- Q Did they within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him that they wanted to stay in Mississippi take land and become citizens of the states? A I don't know.
- Q Do you know whether either John Harper or his wife Polly or both of them lived on land in the old Choctaw Nation for a period of five years after the treaty of 1830 was ratified and at the end of that time whether they received a patent for that land from the government under article fourteen of the treaty of 1830? A No sir I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I can't say.
- Q Do you know whether any of your Choctaw ancestors went from that old Nation to the Choctaw Nation Indian territory between 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw nation in 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

These two commissions were appointed one in 1837 and the other in 1842 to hear the complaints of Choctaw Indians who claimed that they had gone to Colonel Ward within six months from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that Colonel Ward had refused to allow them to register - either that or had neglected to put their names on his list and because of his refusal or neglect those Indians who occupied land in the old Choctaw Nation on which they had improvements had both taken from them by the government and sold at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was issued to all those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any other evidence you want to present now or any other proof you want to offer in this case? A No sir.
- Q Are you related to Christopher C. Hanks? A Yes sir.
- Q Christopher C. Hanks has been before this commission to be

identified as a Mississippi Choctaw claiming through the same common ancestor John Harper; you are a relative of Christopher C. Hanks? A Yes sir.

Q Do you know what relationship exists between you?

A No sir.

Q Is the John Harper through whom he makes his application the same ancestor through whom you claim? A Yes sir.

The case of Christopher C. Hanks M.C.R. 6508 is here referred to in this connection.

By Mr Harrison:

Q You know nothing about John Harper and his wife Mary Ann Harper except what you heard in the family from your family history and tradition? A No sir.

Q As a matter of fact you know nothing more than what you have learned through your father? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light hair; light complexion; light gray eyes; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of March 1903

Charles Hefawyn

Notary Public.

M C R
7134-6510-6520
7188-6767.

Muskogee, Indian Territory, April 24, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing certified copy of marriage license and certificate between James W. Asten and Annie Harper, offered in support of the application made by Annie Asten for the identification of herself and minor child as Mississippi Choctaws.

Also the affidavits of Mary E. Hickman and William H. Rigden, offered in support of the application made by Annie Asten for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage certificate between Isaac D. Yeom and Laura Duff, offered in support of the application made by Laura Yeom for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage certificate between John F. Horton and Alice Duff, offered in support of the application made by Alice D. Horton for the identification of herself and minor child as Mississippi Choctaws.

T & H R

Also certified copy of marriage certificate between James L. Turley and Anna D. Cheatham, offered in support of the application made by Anna Turley for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage record between Albert Morris and Hattie Cheatham, offered in support of the application made by Hattie Morris for the identification of herself and minor child as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 6686
M C R 6687
M C R 6767

Muskogee, Indian Territory, August 10, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Certified copy of marriage record between James H. Howard and Carrie E. Pendleton, and letter from John C. Harlan, county clerk of Osark county, Missouri, offered in support of the Mississippi Choctaw case of James H. Howard, et al.

Certified copy of marriage license and certificate between William J. Howard and Mary Atherton, and William J. Howard and Melinda Somers, offered in support of the Mississippi Choctaw case of William J. Howard, et al.

Certified copy of marriage certificate between Perry Cheatham, Jr. and Addaline Whiteman, offered in support of the Mississippi Choctaw case of Hattie Morris, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

M.C.R. 6767.

Muskogee, Indian Territory, November 6, 1903.

Hattie Morris,

Youst, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date within which to submit further evidence in support of your application for identification of yourself and minor child as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6767.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorney-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Hattie Morris that she would be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor child as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6767

Muskogee, Indian Territory, March 14, 1904.

Hattie Morris,
Youst, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and minor child, Sylvester P. Morris, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.6767.

Muskogee, Indian Territory, June 26, 1905.

Hattie Morris,

Youst, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6267

No. 6767

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name Katie Morris

Age 20

Blood 1/16

Post Office,

Youst, Okla.

Father: Perry Cheatham, Jr. C.

Mother: Adeline .. d

Claims through father 1/8

husband.

Albert Morris. l. w

No claim for husband

Children:

Sylvester P. Morris. 1

Claims for self
and one child

Stenographer Clara Mitchell Wood

Hattie Morris et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 3 1904

NOTICE OF DECISION
ACTION MAILED

MAR 14 1904

NOTICE OF DECISION
FORWARDED

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AND OFFICE OF THE SHERIFF

REFER TO M. C. R.

5070

Choctaw MCR 6768

Clara E. Cheatham

MCR 6768

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of Brookie J. Davis for the identification of her two minor children Clara E. and Elisha M. Cheatham as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr Harrison.

Brookie J. Davis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Brookie J. Davis.
Q You are a white woman? A Yes, sir.
Q What is your age? A Twenty nine.
Q Do you come before the Commission at this time to make application for the identification of your two minor children as Mississippi Choctaws? A Yes sir.
Q What is your post office address? A Youst Oklahoma.
Q Are these two children with you at that address? A Yes, sir.
Q Your age is what? A Twenty nine.
Q What are the names of these children? A Clara E. Cheatham.
Q How old is Clara. A Ten years old.
Q What is the name of the other child? A Elisha M. Cheatham.
Q How old is he? A Eight years old.
Q You make application for these two children do you?
A Yes sir.
Q What is the name of the father of these children? A Leonard Cheatham.
Q Is he living? A No sir he's dead.
Q How long has he been dead? A About two years, the first day of this coming May.
Q How much Choctaw blood did he have? A One eighth.
Q How much Choctaw blood do you claim for these children?
A One sixteenth.
Q You claim Choctaw blood for these children then through your deceased husband Leonard Cheatham? A Yes sir.
Q They get no Choctaw blood through you? A No sir.
Q Have you the proof of your marriage to your husband with you? A Yes sir.
Q Is this the original certificate of your marriage to your husband Leonard Cheatham? A Yes sir.
Q Do you wish to file this certificate now or do you wish to have a copy made and certified to and presented in this case as proof of your marriage to your husband. A I will get a copy, yes sir.

A description of this certificate in reference to the names is as follows:

This certifies that Leonard Cheatham and Brookie J. Morgan were by me united in marriage according to the ordinance of God and the laws of the state of Kansas at Eureka on the 25th day of November 1890. Allen Emerson, Probate Judge.

- Q Are the parties whose names have been read to you as they appear and as they are spelled in this original certificate the same persons as your deceased husband and yourself?
- A Yes, sir; that was just my father's way of spelling my name; I never did spell it that way.
- Q You come before this commission now to apply for these two children because they are your children by your husband who had Choctaw blood and in order to protect their rights before this Commission? A Yes sir.
- Q Are the names of either Clara or Elisha Cheatham on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Has any application ever been made for them for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time?
- A No sir.
- Q Do you come before the Commission now to identify them as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q And claim they have a right to be identified through their father your deceased husband Leonard Cheatham? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I understand it well enough to register I think.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of the ancestors of these children ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir.
- Q What are the names of the ancestors of these children through whom you claim their right to be identified as Mississippi Choctaws? A John Harper.
- Q Do you claim through John Harper's wife? A Yes sir.
- Q What was her name? A Polly Harper.
- Q Any other name? A No sir not that I know of.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q And how much did Polly his wife have? A Full blood.
- Q What relation were John Harper and Polly to these children?
- A Great great great grand father I suppose.

- Q Great great great grand mother too? A Yes sir.
- Q Did they ever live in Mississippi? A I dont know.
- Q Do you know whether they lived there in 1830 and had a family there then? A No sir.
- Q Did either John Harper or his wife Polly go to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of that treaty? A I dont know.
- Q You don't know whether he registered under article fourteen or not? A No sir.
- Q Could you give the names of either of them if they were living now? A No sir.
- Q Did either of them live in Kentucky? A I dont know.
- Q Did either of them live on land in Mississippi or Alabama five years and then get a patent from the government?
- A I dont know.
- Q Did you ever hear that either of them went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or at any time between the ratification of the treaty of 1830 and the date of this application made by you today for these children? A No sir I dont know.
- Q Did either of them own any improvements on land in the old Choctaw nation in 1830? A I dont know.

In 1837 and also in 1842 by various acts of Congress Commissions were appointed which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; the reason why these commissions were appointed was because of the complaints of a good many Choctaw Indians who had attempted to register under article fourteen of the treaty of 1830 but who Colonel William Ward the United States Indian agent refused to allow to register and because of his refusal these Indians had their land taken from them in the old Choctaw Nation together with the improvements thereon and sold at its public land sales; this caused so many complaints among the Choctaw Indians that by act of Congress approved August 23 1842 these various Commissions were appointed.

- Q Do you know whether any of the Choctaw ancestors of these children went before these two commissions and claimed any benefits under that article of that treaty? A No sir I think not.
- Q Did any of the Choctaw ancestors of these children receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do these children speak the Choctaw language? A No sir.
- Q What is the personal physical appearance of Clara as to whether she looks like an Indian or not? A No sir; I don't think she does.
- Q Is she light? A Yes, sir
- Q Blue eyes? A Yes sir.
- Q And Elisha? A About the same.
- Q Blue eyes? A Yes sir.
- Q Light hair? A Yes sir.

Time will be allowed for the introduction of other evidence in this case up to and including the 24th day of March, 1903.

By Mr. Harrison:

Q You stated in answer to the question by the Commission as to whether or not any of their ancestors had received benefits under this treaty: "No sir, I think not." Did you mean to say that or did you intend to say you did not know? A No sir I don't know.

Q And you wish to change that statement? A Yes sir.

By the Commission:

Q Are these children related to Christopher C. Hanks who has been before this Commission to be identified as a Mississippi Choctaw? A Yes, sir.

Q Do you know what relationship exists between them? A No sir

Q Do you want to have ~~this case~~ referred to as that of a relative of these children, claiming through the same common ancestor John Harper?

A Yes, sir.

The case of Christopher C. Hanks M.C.R. 6508 is here referred to in this connection.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 5th day of March 1903.

Charles H. Sawyer

Notary Public.

M C R 6602-6639
M C R 6687-6768 ✓

Muskogee, Indian Territory, March 19, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing certified copy of marriage license and certificate between William J. Howard and Mary Ellen Warren, offered in support of the application made by William J. Howard for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between Aaron F. Johnson and Elizabeth Voost offered in support of the application of Lovie J. Baldwin for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage record between John H. Wood and Christena Loyd, offered in support of the application of John H. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license between Leonard Cheatham and Brokey J. Morgan, offered in support of the application made by Brokey J. Davis for the identification of Clara E.

T A H 2

and Eliza M. Cheatham as Mississippi Choctaws.

The above mentioned documents have been filed and made
a part of the record in the respective cases.

Respectfully,

Chairman.

M C R 6768

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Brookie J. Davies that she will be allowed thirty days from this date in which to submit further evidence in support of the application of her minor children, Clara E. and Elisha M. Cheatham, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6768

Muskogee, Indian Territory, November 6, 1903.

Brookie J. Davis,

Youst, Oklahoma.

Dear Madam:

You are hereby advised that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your minor children, Clara E. and Elisha M. Cheatham, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6768

Muskogee, Indian Territory, March 14, 1904.

Brookie J. Davis,
Youst, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of Clara E. and Elisha M. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished the attorneys of record in this case, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by said attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6768.

Muskogee, Indian Territory, June 26, 1905.

Clara E. Cheatham,
Youst, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6768

No. 6768

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 24 1903

Date

Brookie J. Davis (white)

Name for, Clara E. Cheatham and
Elisha M. White

Age of mother 29 Blood

Post Office, Yount, Okla.

of Cheatham
Father: Leonard Cheatham, (d) $\frac{1}{8}$ J. Cheatham
Mother: Brookie J. Davis, l.

Cheatham

Claiming through

their father

Children:

Clara E. Cheatham, $10\frac{1}{16}$
Elisha M. " $8\frac{1}{16}$

Claims for 2 minors

Stenographer Clara Matthee Wood

R. 67

Clara E. Cheatham et

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY 13

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 20 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
MAILED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFERENCE TO M. G. R. 670

Choctaw MCR 6769

Malinda Mitchell

MCR 6769

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of Malinda Mitchell for the identification of herself and her two minor children, Effie Adeline and Cornelius Mitchell as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Malinda Mitchell, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Malinda Mitchell.
Q What is your age? A Thirty three.
Q What is your post office address? A Youst Oklahoma.
Q How long have you lived there? A Six years.
Q How long in Oklahoma? A Ten years.
Q Where did you live before you lived in Oklahoma? A In Kansas.
Q Where did you live before you lived in Kansas? A In Missouri.
Q Where were you born? A Bates County, Missouri.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Perry Cheatham, Sr.
Q What was your mother's name? A Lucy J. Cheatham.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one fourth Choctaw Indian? A Yes, sir.
Q Have you the proof of the marriage of your father and mother with you now or has that proof been filed in any of these cases? A It has been filed.
Q In what case.

By Mr. Harrison: The proof of the marriage of the parents of this applicant was filed on the 20th of this month in M.C.R. 6740 Perry Cheatham Jr.

By the Commission:

Reference is here made to the application of Perry Cheatham Jr M.C.R. 6740.

- Q Is Perry Cheatham a brother of yours? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A White.
Q What is his name? A Elisha Mitchell.
Q Do you make any claim for him? A No sir.
Q Will you give the names of your children commencing with the oldest under age and unmarried which you want to make application for? A Effie Adeline Mitchell.
Q How old is Effie? A Five.
Q The next? A Cornelius Mitchell.
Q How old is he? A Four.
Q Have you any other children you want to make application for?
A No sir.

Q You claim for yourself and these two children do you?

A Yes, sir, Cornelius is a girl.

Q Both are girls then? A Yes sir.

Q Effie and Cornelius too? A Yes, sir.

Q Is your husband Elisha Mitchell the father of these two children? A Yes, sir.

Q Are you and your husband living together as husband and wife and are these children living with you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.

Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws?

A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes, sir.

Q Do you understand that article? Why, I suppose so.

Q Would you like to have it explained any further?

By Mr. Harrison: I think she understands it perfectly; it has been explained to her repeatedly.

Q You think you understand that well enough do you?

A Yes, sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such children as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article?

A No sir.

Q What are the names of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw.

- A John Harper.
- Q Anybody else? A No sir.
- Q Don't claim through his wife? A Yes sir.
- Q You claim through John Harper and his wife do you?
- A Yes sir.
- Q What was his wife's name? Polly Harper.
- Q Any other name? A Yes sir.
- Q What relation was John Harper to you? A Great great great grandfather.
- Q Did you say you were a sister of Perry Cheatham Junior? A Yes sir.
- Q Well now he only claimed a relationship with John Harper of great great grandfather; you claim the same relationship as Brookie J. Davis claims for her children.
- A Well I made a mistake then; I don't know anything about it myself.
- Q But it's evident that the relationship must be different for these children from that which you claim for yourself, isn't it? A Yes sir.
- Q Now which is right; were John Harper and Polly his wife your great great great grand parents or your great great grand parents. A Why I think they was our third great grand parents.
- Q Just name the relationship as you want it.
- A Our grandfather David Cheatham--
- Q Tell me what relation John Harper was to you? A Great great grandfather.
- Q You want it that way do you? I don't know how it is.
- Q Do you know whether John Harper and his wife Polly were full blood Choctaw Indians? A Yes sir.
- Q You get that fact from the family history and tradition do you? A Yes sir.
- Q Have you any record of that fact? A No sir.
- Q Do you know whether they lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and whether they were heads of families or had children? A No sir.
- Q Did they or either of them go to Colonel William Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830?
- A I don't know.
- Q Did they either of them ever live in the old Choctaw Nation either in Mississippi or Alabama? A I don't know.
- Q Did John Harper or his wife Polly ever live in Kentucky?
- A Yes sir.
- Q Do you know where they were born and when? A No sir.
- Q Do you know when and where they died? A No sir.
- Q Did either of them live on land in the old Choctaw Nation five years after the treaty of 1830 was ratified and at the end of that time receive a patent from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today?
- A I don't know.
- Q Did either of them own improvements on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 by act of Congress approved March 3rd of that year and in 1842 by act of Congress approved August 23rd of that year Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed by various acts of Congress for the purpose of hearing claims of Choctaw Indians who had tried to register or had claimed that they tried to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty but that Colonel William M Ward the agent refused to allow them to register and because he did refuse them this right those Indians had their land taken from them in the old Choctaw Nation together with the improvements on the land, and sold by the government at its public land sales; the complaints made by those Indians resulted in these two commissions being appointed one in 1837 and the other in 1842.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they formerly held in the old Choctaw Nation and which the government took from them and sold?
- A I don't know.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Are you related to Christopher C. Hanks? A Yes sir.
- Q Do you know what relationship? A No, sir.
- Q How do you know you are related? A That's what I learn by my ancestors.
- Q Who told you that you were related to Christopher C. Hanks?
- A My father.
- Q Do you know whether he claims through the same ancestor that you make your claim through? A Yes, sir.
- Q What was his name? A Perry Cheatham, Sr.
- Q Christopher C. Hanks doesn't claim through him does he?
- A No sir.
- Q Now I asked if he claimed through the same common ancestor through whom you claim and you answered, yes.
- A John Harper.
- Q Do you want to have the case of Christopher C. Hanks M.C.R. 6508 referred to as a relative of yours claiming through the same common ancestor? A Yes, sir.

That case is referred to in this connection.

This applicant is allowed up to and including the 24th day of March 1903 for the purpose of introducing other proof in this case if she desires to do so.

A certified copy of the marriage license of Elisha Mitchell and Malinda Cheatham presented by this applicant, received, filed, marked exhibit A and made part of the record in this case.

By Mr. Harrison:

- Q What was the name of your mother? A Lucy J. Cheatham.
- Q What was her maiden name? A Crooks.
- Q How do you spell it? A C-r-o-o-k-s.

- Q How do you get the name "J"? A That was her middle name.
Q Her maiden name was Crooks but she didn't take that after her marriage with your father but used the other initial "J".
A Yes, sir.
Q Did you ever hear among your family and from the family history and tradition that the wife of John Harper was called by any other name than that of Polly, as for instance Mary Ann? A No sir.
Q It might have been and you not know it? A Yes sir.
Q You claim the same relationship to John Harper that Perry Cheatham Junior claims, do you not? A I don't just understand you.
Q You claim the same relationship to John Harper and his wife Mary Ann or Polly as you have heard her called that Perry Cheatham does, do you not? A Yes sir.
Q You and Perry Cheatham Junior are full brother and sister are you not? A Yes sir.
Q And he claims John Harper to have been his great great grandfather; you also claim John Harper to have been your great great grandfather, do you not? A Yes sir.
Q Then if you have stated that you didn't know what the relationship was, you now say you do know, do you not.
A I don't just understand how it was.
Q If Perry Cheatham Jr. claims John Harper to have been his great great grandfather you also claim the same relationship to John Harper and his wife do you not? A Yes sir.
Q And if he claims John Harper and his wife to have been his great great grandparents you also claim the same relationship with them? A Yes, sir.
Q When you stated a few moments ago that John Harper was your great great grandfather and subsequently stated that you didn't know what the relationship was, that is a fact is it not that at that time you did not know? A Yes sir.
Q You now say that the relationship is that he was your great great grandfather, the same as Perry Cheatham Jr.? A Yes sir.
Q Do you understand that or do you simply answer yes responsively to my question; or do you understand it. A No, sir, I think I understand it.
Q And you desire these answers to go in the record correcting your mistake that you have made? A Yes, sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; light hair; light complexion; she does not understand the Choctaw language.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 5th day of March 1903

Charles H. Sawyer

Notary Public.

M.O.R.6769.

Muskogee, Indian Territory, November 6, 1903/

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Malinda Mitchell that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6769.

Muskogee, Indian Territory, November 6, 1903.

Malinda Mitchell,

Youst, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 14, 1904.

Malinda Mitchell,

Yount, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Effie A. and Cornelius Mitchell, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6769.

Muskogee, Indian Territory, June 26, 1905.

Malinda Mitchell,

Youst, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons contained in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6769

No. 6769

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name Malinda Mitchell.

Age 33,

Blood '18

Post Office, Youst. OKla -

Father: Perry Choctham. 8th l.

Mother: Lucy J. " d

Claims through

father '14

Husband

Elisha Mitchell, l. w.

No claim for husband.

Children:

Effie A. Mitchell, F 5Cornelius " F 4

Claims for self &

& minors

Stenographer Clara Mitchell Wood

FOR IDENTIFICATION AS R. 67
A MISSISSIPPI CHOCTAW.

Malinda Mitchell et

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 14 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

END

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

2670

Choctaw MCR 6770

Nancy Thomson

MCR 6770

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 24, 1903.

In the matter of the application of Nancy Thomson for the identification of herself and her seven minor children, Frank Anderson, Mary S., Howard C., Fannie S., Earl, Robert and Shelby Thomson, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Nancy Thomson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Nancy Thomson.
Q What is your age? A Thirty nine.
Q What is your post office address? A Mount Sterling, Kentucky.
Q How long have you lived in Kentucky. A All my life.
Q How long in Mount Sterling. A About thirty years.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Firman Cheatham.
Q What was your mother's name? A Louisa Cheatham.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One fourth.
Q Was one half Choctaw Indian? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A I don't think he has.
Q He never has been in the Indian Territory has he? A I don't think he has.
Q Do you know when and where your father and mother were married?
A Montgomery County Kentucky.
Q What day of the month and year if you remember? A Forty five
Q By a minister under a license? A Yes sir.
Q Have you the proof of that marriage with you now or has it been filed? A It hasn't been filed yet; it will be filed.
Q Is your husband living? A Yes, sir.
Q What is his race? A White.
Q Do you make any claim for him? A No sir.
Q What is his name? A James E. Thomson.
Q You don't make any claim for your husband? A No, sir.
Q You have how many minor children? A Seven.
Q What is the name of the oldest? A Frank Anderson. That's a girl.
Q How old? A Seventeen.
Q The next? A Mary S.
Q How old? A Sixteen.
Q The next? A Howard C.
Q Age? A Fifteen.
Q The next? A Fannie S., twelve.
Q Next? A Earl. Six.
Q The next? A Robert.
Q How old is Robert? A Four.

- Q The next? A Shelby, two.
- Q You claim for yourself and these children, do you? A Yes, sir.
- Q Is your husband the father of these children? A Yes, sir.
- Q You never have been married but once? A No.
- Q Are these children living with you and your husband at his home
- A Yes, sir.
- Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q You make this claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do.

The article under which you make your claim today is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied with that article or not? A They say they did.
- Q Who do you claim through? A John Harper.
- Q Anybody else? A Mary Ann Harper.
- Q Do you know whether John Harper had any Choctaw blood, if so how much? A Full blood.
- Q And his wife had how much? A She was a full blood.
- Q Did you ever hear his wife was called Polly? A Yes sir.
- Q What relation was John Harper to you? A My great grand father.
- Q What relation was Mary Ann Harper to you? A Great grandmother.
- Q Did they live in Mississippi in 1830 and have a family there at that time? A No sir they lived in Montgomery County Kentucky.
- Q Were they born in Kentucky? A They were born in Mississippi.
- Q Where in Mississippi? A I don't know.
- Q How long did they live in Mississippi? A Until about twenty eight or twenty nine. They moved to Kentucky.
- Q And how long did they stay in Kentucky? A They lived there

- the rest of their days.
- Q Were they in Mississippi in 1831? A John Harper was.
- Q He went there on a visit did he? A No he went there to enroll.
- Q He left his family in Kentucky? A Yes sir.
- Q Did he go there to live in Mississippi when he went to enroll or did he go to enroll? A He went to enroll and stayed a good while.
- Q How long? A I don't know exactly how many years but several years.
- Q Did his family join him there? A No sir.
- Q Did Mary Ann Harper his wife remain in Kentucky? A Yes.
- Q Where did John Harper die? A In Kentucky.
- Q What year, do you know? A 1842.
- Q Did John Harper go to Colonel Ward and attempt to register under article fourteen of that treaty? A Yes sir.
- Q Did he register? A No sir they say he didn't.
- Q Do you know why not? A Yes I've heard.
- Q What have you heard? A I've heard the Commissioner was drunk and didn't enroll him; he went and tried to.
- Q Did he see Colonel Ward personally or not? A They say he did.
- Q But Ward was drunk? A Yes, sir; they say he was drunk all the time he was there.
- Q How long was he there trying to get on the rolls? A About six months.
- Q Staying there all the while and trying to get on? A Yes sir.
- Q Where was this? A I don't know exactly where, in Mississippi.
- Q Never heard of Dancing Rabbit Creek? A Yes, sir, I've heard of that.
- Q Did you hear a treaty was made there at Dancing Rabbit Creek?
- A Yes, sir.
- Q Do you know where in Mississippi that is? A No sir I don't; I've heard but I've forgotten.
- Q Do you know where Colonel Ward's agency was located in Mississippi during the six months time when Choctaw Indians were allowed to register under article fourteen?
- A I've heard but I've forgotten.
- Q Was it always at the same place? A Yes, sir, always at the same place.
- Q And you claim that John Harper was there six months and couldn't register? A Yes sir.
- Q Do you know whether after that he did get land in Mississippi and live on it five years and then get a patent from the government for that land? A I heard he stayed there five or six years.
- Q But did you hear he got a patent from the government for land he lived on? A No I didn't hear.
- Q Did any of your ancestors John Harper or his wife Mary Ann or Polly or any other Choctaw ancestor go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 which was on the 24th day of February 1831 and the date of this application made by you today? A I never heard of it if they did.
- Q Did any of them go between 1833 and 1838 with the other Indians under the treaty? A I don't know.
- Q Did any of them own improvements on land in the Choctaw Nation in 1830 or 1831? A I heard that my grandfather had a farm there.
- Q In 1830 or 1831? A In thirty one or somewhere along there.

- Q That is, he went from Kentucky, left his family in Kentucky and went to Mississippi? A I heard he had land there before that.
- Q Where did he get that land which he had before 1830; did he buy it or take it as an Indian? A I can't tell you but I've always heard he owned land there.
- Q Do you know where that land was located? A No sir.
- Q Or how much land there was? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors John Harper or his wife or any other went before a commission in 1837 or a commission in 1842 and claimed rights under article fourteen of the treaty of 1830? A No.

These commissions were appointed the one by act of Congress approved March 3 1837 and the commission appointed by act of Congress approved August 23 1842 ~~and~~ for the purpose of hearing Choctaw Indians who stated that they had gone to Colonel Ward and had attempted to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and because of his refusal the government had afterwards taken their land from them which land they had been occupying in the old Choctaw Nation and sold it.

- A I heard his land was taken from him.
- Q Did you hear that they tried to get redress before either of these two commissions later on? A No, I never heard that.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir; I've heard it spoken but I don't understand it myself.
- Q Have you any other evidence or documents you want to present now? A No sir.

Time is allowed this applicant for the introduction of other proof up to and including the 24th day of March 1903.

- Q Are you related to Christopher C. Hanks? A No sir, not that I know of.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws, claiming through John Harper you wish to refer to? A Yes sir.
- Q You are related to Christopher C. Hanks? A Yes sir we are all related.
- Q He has been before the Commission claiming through John Harper; is that the same John Harper through whom you claim? A Yes sir.
- Q You want to have that case referred to as the application of one of your relatives? A Yes sir.

The case of Christopher C. Hanks K.C.R. 6508 is referred to.

By Mr Harrison:

- Q Christopher C. Hanks is a descendant of John Harper and his wife; do you know what his father's name was? A No sir.
- Q Do you know who Fielding Hanks is said to have been. A No sir.
- Q Do you remember to have heard whom Fielding Hanks married?
- A He married Lydia Harper.
- Q What kin was Lydia Harper to Polly Harper? A Sisters.
- Q In that way you have heard that this man Christopher C. Hanks claims through John Harper the same common ancestor through whom you claim? A Yes, sir.
- Q And the relationship is thus established. A Yes, sir.
- Q Mrs Thomson how have you obtained your information that your great grand parents John Harper, attempted to comply with the provisions of the fourteenth article of the treaty of 1830. A From the evidence we have -- I've heard the older people speak of it.
- Q Can you give the names of any of the older people?
- A Yes, sir; Peter Manly.
- Q Where does he live? A Bath County, Kentucky.
- Q How old is Peter Manly? A Eighty seven years old.
- Q Is he the only person you have heard speak of it.
- A Berkley.
- Q Where does Berkley live? A In Montgomery County Kentucky.
- Q How old is Berkley? A Ninety three.
- Q Is he the only old person? A No sir, I could name a hundred if necessary.
- Q Well, I only want two or three. A Katie Kitchen.
- Q How old is she? A Eighty six.
- Q Where does she live? A In Montgomery County Kentucky.
- Q Now what have you heard any one of these old people say about John Harper attempting to comply with the provisions of the fourteenth article of the treaty of 1830?
- A I heard he went to Mississippi in 1830 and tried to get on the roll.
- Q Was it in 1830 or 1831? A Well he was there in 1831; he went in the fall of 1830 and stayed there.
- Q Is it your information that there was but one place in Mississippi at which registration could be made at that time? A No sir.
- Q You stated in answer to a question asked by the Commission that in effect there wasn't but one place for registration in Mississippi at that time. A I didn't intend to.
- Q Do you know how many places if there were more than one. A I've heard there was more than one.
- Q This land or home which you heard John Harper owned in Mississippi prior to the time he left Mississippi for Kentucky have you heard and do you understand that it was referred to as a home, as a farm or as land? A As a home.
- Q That home might have been in the old Choctaw Nation might it not as far as you know? A Yes.
- Q You don't undertake to say that it was a body of land but your information is that he had a home there? A Yes sir.
- Q You do not now remember to have heard where that home was located? A No sir.
- Q Is it not a fact that the lady you have named as Mary Ann was often called Polly Ann? A Yes, sir.
- Q You claim through whom? A Firman Cheatham.
- Q He claimed through which parent? A Mother.
- Q What was his mother's name? A Mary Ann Cheatham or Polly.
- Q And that was Mary Ann or Polly who married John Harper.
- A No that was the one who married John Cheatham.

- Q And John Cheatham was how related to John Harper?
A He wasn't related at all.
Q His wife was how related to John Harper? A Daughter.
Q What was John Cheatham's wife's maiden name? A Polly Harper.
Q John Harper and Mary Ann Harper had a daughter named Polly and she married John Cheatham? A Yes sir.
Q And John Cheatham and his wife are your grandfather and grandmother? A Yes, sir.

Certified copy of the marriage license of James Thomson and Nannie J. Cheatham, presented by applicant, received, filed, marked Exhibit A, and made part of the records in this case.

Joint affidavit of Sallie Hoffman, Melissa Garrett and Nancy Garrett in reference to the marriage of John Cheatham Senior and Polly Harper presented by applicant, received, filed, marked Exhibit B and made part of the record in this case.

Applicant has black eyes; dark complexion; black hair; has the physical characteristics otherwise of being descended from white parentage; she does not understand or speak the Choctaw language.

---0---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 5th day of March 1903

Charles H. Sawyer

Notary Public.

/ M C R
6770-7263-7215
7396-7356

Muskogee, Indian Territory, April 22, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage license and certificate between John H. Lauver and Maggie D. Drolte, offered in support of the application made by Maggie D. Lauver for the identification of herself and minor children as Mississippi Choctaws.

Also certificate of record of marriage between Reuben Harper and Mariah Low, offered in support of the application made by Sarah Drolte for identification as a Mississippi Choctaw.

Also affidavits of J. H. Robertson and Winnie J. Hallett, offered in support of the application made by Martha Webb for the identification of herself and minor children as Mississippi Choctaws.

Also marriage certificate of Frank Webb and Eva Belle Brinson, offered in support of the application made by Frank Webb for the identification of himself and minor children as Mississippi Choctaws.

Also joint affidavit of Nancy and Malissa Garrett, affi-

2

T A H 2

deavit of Perry Cheatham and certificate of Clerk of Montgomery county, Kentucky, offered in support of the application made by Nancy Thompson for the identification of herself and minor children as Mississippi Cheathams.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 7134
7297-7270-6644
8602-6770

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the following:

Joint affidavit of Jas H. Trimble, J. F. Hoffman, Sallie Hoffman, H. W. McCormick and H. A. McCormick, offered in support of the Mississippi Choctaw case of Nancy Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles H. Baldwin and L. J. Johnson, offered in support of the Mississippi Choctaw case of Lovie J. Baldwin, et al.

Affidavit of Mrs. Emma V. Munson, offered in support of the Mississippi Choctaw case of Victor H. McCormick; also affidavit of Mrs. S. Grary offered in support of the same case.

Marriage license and certificate between George M. Fields and Sarah Johnson, offered in support of the Mississippi Choctaw case of Sarah G. Fields, et al.

Joint affidavit of C. R. Oglesby and A. E. Higdon, offer-

T & H 2

ed in support of the Mississippi Choctaw case of Annie Aston, et al.

Certified copy of marriage certificate between William Harper and Cassandra Beninle, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M.C.R. 6770.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Nancy Thomson that she will be allowed thirty days from this date within which to submit further evidence in support of her application for identification of herself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6770.

Muskogee, Indian Territory, November 6, 1903.

Nancy Thomson,

Mount Sterling, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and your minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6770

Muskogee, Indian Territory, March 14, 1904.

Nancy Thomson,

Mt. Sterling, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your seven minor children, Frank A., Mary S., Howard C., Fannie S., Earl, Robert and Shelby Thomson, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R. 6770/

Muskogee, Indian Territory, June 26, 1905.

Nancy Thomson,

Mt. Sterling, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6770

No.

6770

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name *Nancy Thompson.*

Age

~~38~~ 39.

Blood

1/4

Post Office,

Wt Sterling, Ky -

Father:

Firman Cheatham, d.

Mother:

Louisa " d.

Claims through

*father, 1/2**Husband**James E. Thompson, v.v.l.**No claim for husband.*

Children:

*Frank A. Thompson F. 17**Mary S. Thomson. 16**Howard C. " 15**Fannie S. " 12**Earl " 6**Robert " 4**Shelby " 2**Claims for self and*
7 minors

Stenographer

Clara J. Jones

REFUSED

FOR IDENTIFICATION AS R. 677

A MISSISSIPPI CHOCTAW

Nancy Thomson et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MADE APPLICANT.

MAR 14 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 8

NOTICE OF DEPARTMENT
ACTION MADE APPLICANT.

JUN 15 1905

NOTICE OF DEPARTMENT
ACTION MADE APPLICANT.

11

NOTICE OF DEPARTMENT
ACTION MADE APPLICANT.

1

Choctaw MCR 6771

Bessie King

MCR 6771

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 24, 1903.

In the mat ter of the application of Bessie King for the identification of herself and her four minor children, Shirley Cecil, John Pierce, Clarence and Clay King as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant represented by Mr. Harrison.

Bessie King, being first duly sworn testified as follows:

Examination by the Commission:

In the matter of the application of Bessie King for the identification of herself and her four minor children, Shirley Cecil, John Pierce, Clarence and Clay King, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr Harrison.

Bessie King, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bessie King.
Q What is your age? A Forty eight.
Q What is your post office address? A Grassy Lick, Montgomery County, Kentucky.
Q How long have you lived in Kentucky? A About thirty years.
Q How long is Grassy Lick. A Fifteen.
Q Where did you live before you lived in Kentucky? A I lived in Kentucky.
Q Always lived in Kentucky? A yes, sir.
Q Born in Kentucky. A yes, I've lived in Kentucky all my life.
Q Is your father living? A No, sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Firman Cheatham.
Q What was your mother's name? A Louisa.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One fourth.
Q How much Choctaw blood did your father have? A Half.
Q Has he ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, sir.
Q Has the proof of the marriage of your father and mother ever been filed in any application of any relative of yours?
A No, sir.
Q You haven't that proof with you then? A No, sir.
Q Do you know when your father and mother were married? A In 1842.
Q What day of the month and year? A The 20 th of January.
Q Where - in Kentucky? A Yes, sir.

- Q Whereabouts in Kentucky? A Near Mount Sterling.
 Q By a minister under a license? A Yes sir.
 Q Is your husband living? A Yes, sir.
 Q What is his race? A White.
 Q What is his name? A Robert M. King.
 Q Do you make any application for him? A No sir.
 Q Have you any children you want to make application for?
 A Yes, sir.
 Q What is the name of the oldest? A Shirley Cecil.
 Q Is that a boy? A Yes sir.
 Q How old is he? A Fourteen.
 Q The next? A John Pierce.
 Q How old is he? A Twelve.
 Q The next? A Ten.
 Q What is his name? A Clarence.
 Q The next? A Clay. Four.
 Q Is that all the children you wish to make application for?
 A Yes, sir.
 Q You claim for yourself and these children? A Yes, sir.
 Q Is Robert M. King the father of these children? Yes, sir.
 Q Are you and your husband living together as husband and wife
 and are these children living with you at your home?
 A Yes, sir.
 Q Is your name or are the names of your children on any of the
 tribal rolls of the Choctaw Nation in the Indian Territory?
 A No sir.
 Q Have you ever made application for citizenship in the Choctaw
 Nation for your self and children either to the Choctaw tri-
 bal authorities in the Indian Territory or to the Dawes Commis-
 sion under the act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship
 in the Choctaw Nation by any authority whatever up to the
 present time? A No sir.
 Q Is this your first application for yourself and children
 for citizenship of any kind in the Choctaw Nation? A It is.
 Q Do you want to be identified now with your children as
 Mississippi Choctaws? A Yes, sir.
 Q Do you claim under article fourteen of the treaty of 1830?
 A Yes, sir.
 Q Do you understand that article of that treaty? A I think I
 do.
 Q The article under which you make your claim today as it
 was incorporated in the treaty of 1830 is as follows.

"Each Choctaw head of a family being desirous to remain and
 become a citizen of the states shall be permitted to do so
 by signifying his intention to the agent within six months
 from the ratification of this treaty and he or she shall there-
 upon be entitled to a reservation of one section of six
 hundred and forty acres of land to be bounded by sectional
 lines of survey; in like manner shall be entitled to one
 half that quantity for each unmarried child which is living
 with him over ten years of age and a quarter section to such
 child as may be under ten years of age to adjoin the location
 of the parent; if they reside upon said lands intending to
 become citizens of the states for five years after the
 ratification of this treaty in that case a grant in fee
 simple shall issue; said reservation shall include the
 present improvement of the head of the family or a portion
 of it; persons who claim under this article shall not lose
 the privilege of a Choctaw citizen but if they ever remove
 are not to be entitled to any portion of the Choctaw annuity".

- Q What is the name of your ancestor or the names of your ancestors through whom you claim today? A John Harper.
- Q Do you claim through anybody else besides John Harper?
- A Polly Ann Harper.
- Q What relation was John Harper to you? A Great grandfather.
- Q Was his wife your great grandmother? A Yes sir.
- Q Now that name has been given as Mary Ann, Polly Ann, Mary and Polly, is that all the same? A Yes sir.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q And his wife was one half? A Full blood.
- Q Do you know whether John Harper and his wife Polly lived in Mississippi in 1830 and whether they had children living with them at that time? A Yes I heard that.
- Q In 1830? A Yes sir.
- Q In Mississippi? A Yes sir.
- Q Did they ever live in Kentucky? A Yes sir.
- Q Did they go from Kentucky to Mississippi at any time?
- A He did.
- Q Where were they born? A In Mississippi.
- Q Both of them? A Yes sir.
- Q Do you know where in Mississippi? A No sir.
- Q Do you know when John Harper was born? A No sir.
- Q Do you know when his wife Polly or Mary Ann was born?
- A No sir.
- Q Did they go from Mississippi to Kentucky? A Yes sir.
- Q When, do you know? A About 1828 I think.
- Q How long did they stay in Kentucky that time? A Until 1830.
- Q And then did both of them go from Kentucky to Mississippi?
- A No sir.
- Q Who did go? A He went.
- Q He stayed in Mississippi that time how long? A I suppose he stayed about five years; I don't know.
- Q Five years after he went back in 1830? A Yes sir.
- Q Where did he die? A In Kentucky.
- Q Do you know what year he died? A I don't know.
- Q When did his wife die and where? A She died in Kentucky.
- Q Do you know where in Kentucky? A In Montgomery County.
- Q Did either John Harper or his wife go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Who went? A He went.
- Q Did he go there himself for himself and wife or for himself alone? A Himself I guess.
- Q Didn't go for his wife? A I don't know.
- Q You claim for his wife and I want to find out if I can whether or not any application was made by her or for her; there hasn't been much evidence on that point; you say he made an effort; did he make it entirely for himself or for himself and wife or do you know? A I don't know.
- Q Do you know whether John Harper or his wife or any Choctaw ancestor of yours lived on land in that old Choctaw Nation in Mississippi or Alabama five years after the treaty of 1830 was ratified and at the end of that time whether any of them received a patent or patents from the government under article fourteen of that treaty? A I've heard that he did.
- Q You have heard that he received a patent or patents; you understand a patent is a deed issued by the government; they are called patents, in fact they are deeds to land; did you ever hear that any Choctaw ancestor of yours ever received any such patent or deed from the government for land in Mississippi

or Alabama? A No sir I never heard.

Q You never heard about that? A No sir.

Q Did you ever hear that they lived on land five years in Mississippi or Alabama after the treaty of 1830 was ratified claiming it under article fourteen? A Well I've heard he lived there on land and had a home there.

Q Did you hear how long? A I heard he lived there about five years..

Q After the treaty of 1830 was ratified? A Yes sir.

Q Do you know whether or not he got any patent after that ?

A No sir.

Q Do you know why he didn't? A Well I heard that he tried to.

Q He tried to in 1831.? A Yes sir.

Q Did you ever hear anything more of the particulars of his having gone to Colonel William Ward the United States Indian agent and having tried to register under article fourteen of that treaty? A No sir I only heard he tried to register; tried to register and failed.

Q Is this a matter of family history and tradition that he went there and tried to register or have you records to prove that. A We have heard older people; people that knew him.

Q It's a matter of tradition is it; you have witnesses who are living now and knew him personally and whose testimony will be offered to the Commission to show that fact? A Yes sir

Q What are the names of some of them if you can give them.

A Peter Manley; Katie Kitchen; Mr. Harrison Berkley.

Q Where does Peter Manley live? A Near Owensville Kentucky.

Q Do you know him? A Not personally.

Q How old a man is he, do you know? A I don't know; he's quite an old man; about eighty nine I think.

Q And Katie Kitchen; how old is she? A Eighty six.

Q Where does she live? A In Kentucky; in Montgomery County.

Q Do you know her personally? A Yes sir.

Q What is she, a white woman or Indian? A She's part Indian it looks to me like; she's a colored woman though. Lived in the family; she was one of his slaves.

Q John Harper's slave? A Yes, sir.

Q And you mentioned somebody else; what was that other name?

A Berkley.

Q Who was he? A One of our great grandfather's neighbors, a white man; he lives in Montgomery County Kentucky.

Q How old is he? A Ninety three.

Q Did he ever live in Mississippi? A No sir.

Q And Peter Manley- did he ever live in Mississippi?

A No sir, not himself, his father did.

Q Do you claim that these people went with John Harper to Mississippi when he made that effort to register? A Some of them did. Not all of them.

Q Which did go? A Mr Manley.

Q Any others? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw nation east of the Mississippi river to the Choctaw nation Indian territory for the purpose of making a home in the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know sir

Q Did any of them go between 1833 and 1836 with the other Indians at the expense of the government? A No sir.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or a Commission in 1842 which Commissions were appointed

under various acts of Congress to hear the complaints of Choctaw Indians who claimed rights under article fourteen of the treaty of 1830? A No sir.

These commissions were appointed, one under act of Congress approved March 3 1837 and the other under act of Congress approved August 23 1842 to hear the complaints of Choctaw Indians who stated that they had gone to Colonel Ward the agent for the government within six months after the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty but that Colonel Ward had refused to allow them and because of his refusal the government took the land from those Indians and sold it with the improvements upon it which they had been occupying in the old Choctaw Nation.

- Q Do you know whether any of your ancestors went before either of those Commissions? A Yes sir I know my great grandfather did.
- Q Before which Commission did he go? A Well he didn't go before the Commission; I am talking about Colonel Ward.
- Q He wasn't a commission; he was the United States Indian agent and it was because of the attitude that he took with reference to the applications of some of those Indians that the commissions were afterwards appointed; the commissions were composed of a number of men as the Dawes Commission is made up of a number of men; so the commissions of 1837 and 1842 were made up of a certain number of men.
- Q Did any of your Choctaw ancestors go before either of these commissions? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which scrip was issued under act of Congress approved August 23 1842? A I don't suppose they did.

This scrip entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of the land which they had formerly held in the old Choctaw Nation which the government had taken from them and sold; it might be possible that an Indian went before Colonel Ward or tried to go before him as you say your ancestor did and having been refused rights at that time that he tried to have his rights granted to him by going before the Commission of 1837 or before the Commission of 1842. But you say you don't know whether he or any other Choctaw ancestor of yours did go before either commission? A No sir.

- Q Do you speak or understand the Choctaw language? A No sir I've heard it spoken but I don't understand it.
- Q Are you related to Christopher C. Hanks? A Yes sir.
- Q Do you know what relationship you bear to him? A I think his grandmother and my grandmother were sisters.
- Q You want to have his case referred to as a relative of yours claiming through the same common ancestor through whom you claim? A Yes sir.
- Q Do you know whether he claims through John Harper's wife too?
- A Yes sir.

The case of Christopher C. Hanks et al M.C.R. 6508 is referred to in this connection.

- Q Did you ever hear of a person named Jasper Chambers? A Yes sir.
- Q What relation are you to him? A I don't remember exactly

what relation.

Q Do you remember a person named Charles E. Duff?

A Yes sir.

Q Are you related to him? A Yes sir.

Q Do you know what relation? A No sir.

This applicant is allowed to and including the 24th day of March 1903 for the introduction of other proof if she desires to present any in this case.

By Mr. Harrison.

Q What was the name of your grandmother? A Polly or Mary.

Q I don't mean your great grandmother; I mean your grandmother Mary Harper.

Q Whom did she marry? A John Cheatham.

Q Was it Mary or Polly? A They called her Mary sometimes and Polly sometimes.

Q She was known by both names? A Yes sir.

Q You spoke of her having a sister who was the grandmother of Christopher C. Hanks; what was her name? A I've forgotten her name.

Q Do you remember to have heard whom she married? A Fielding Hanks.

Q Was it Lydia? A Yes sir.

Q You now remember that to have been the name? A Yes sir.

Q You are not mistaken about it? A No sir; it just slipped my memory.

Q Is it not a fact that Charles E. Duff whom you have referred to is a relative of Fielding Hanks? A Yes sir.

Q Do you know any of the family of Fielding Hanks? A Well I know his son Jack Hanks; I knew him well.

Q Did he have a daughter named Lucinda? A Yes sir.

Q Do you remember whom she married? A No sir.

Q Do you know a man named Henry Evans? A No sir.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black eyes; black hair; she has no knowledge of the Choctaw language and her knowledge of compliance on the part of her ancestors is based on family history and tradition and the testimony of witnesses whom she intends or desires to bring before this Commission.

Q Is Nancy Thomson your sister? A Yes sir.

Q Having the same father and mother? A Yes sir.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 24th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 5th day of March 1903

Charles H. Sawyer

Notary Public.

M C R 6771
M C R 7008

Muskogee, Indian Territory, March 20, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing certified copy of marriage license and certificate between Robert M. King and Bessie N. Cheatham, offered in support of the application made by Bessie King for the identification of herself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

You also state that you enclose certified copy of marriage license and return thereon of Phebe J. Cheatham to P. H. Rylander, but you are informed that you failed to transmit said document in your letter.

Respectfully,

Chairman.

M.C.R.6771.

Muskogee, Indian Territory, November 6, 1903.

Bessie King,

Crassy Lick, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

X.C.R. 6771.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Bessie King that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6771

Muskogee, Indian Territory, March 14, 1904.

Bessie King,

Grassy Lick, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your four minor children, Shirley C., John P., Clarence and Clay King, was made a part, refusing said application.

You are further advised that a copy of such decision has this day been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary for his consideration with such argument and brief as may be submitted by your attorneys..

Respectfully,

Registered

Commissioner in Charge.

M.C.R' 6771.

Muskogee, Indian Territory, June 26, 1906.

Bessie King,

Grassy Lick, Kentucky,

Dear Madam:

You are hereby notified that on the 30th day of March 1906, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6771

No.

6771

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 24 1903

Date

Name *Bessie King*Age *48* - Blood *1/4*Post Office, *Grassy Lick, Ky.*Father: *Firman Cheatham, d.*Mother: *Louisa .. d.*Claims through *father 1/2 -**Husband**Robert M. King, l.w.**No claim for husband.*

Children:

*Shirley C. King, M. 14**John P. " 12**Clarence — 10**Clay " 4**Claims for self
and of minors*Stenographer *Clara M. Wood*

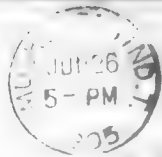
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PAID
JUN 7 1905
COMMISSION TO FIVE CENTS

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Bessie King,

Grassy Lick, Kentucky.

Returned to Cincinnati, Ohio
Postman's Office in State Named

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES,

FILED

MAR 22 1904



CHAIRMAN

10757

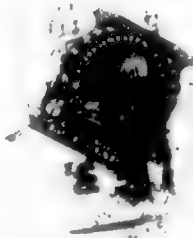
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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Bessie King,

Grassy Lick, Kentucky.

REGIST
MAR 21
MUSKOGEE, IND. TER.

R. 677

Bessie King et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
TO THE ATTORNEY GENERAL
AND THE ATTORNEY GENERAL

MAR 4 1904

NOTICE OF DECISION FORWARDED TO THE ATTORNEY GENERAL. MAR 11 1904

COPY OF DECISION FORWARDED
TO THE ATTORNEY GENERAL

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROPRIATE
SECRETARY OF THE DEPARTMENT

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Choctaw MCR 6772

Mahala B. Keasler

MCR 6772

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Mahala B. Keasler, et al.,
for identification as Mississippi Choctaws, M.C.R. 5772.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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Decision of the Commission refusing the applica- tion of Mahala B. Keasler, et al., for identifica- tion as Mississippi Choctaws-----	5.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE I.T. FEB. 24, 1903.

6772

In the matter of the application of Mahala B. Keasler for the identification of herself and her three minor children, Edgar, Beulah and Hattie Belle Keasler, as Mississippi Choctaws.

B. S. Johnson, attorney for applicants.

Mahala B. Keasler, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mahala B. Keasler.
Q What is your age? A Twenty seven.
Q What is your post office address? A Fate, Texas.
Q How long have you lived in Texas? A Eight years.
Q Where did you live before that? A Tennessee.
Q Where were you born? A In East Tennessee.
Q Is your father living? A Yes sir.
Q What is his name? A Calvin Rice.
Q Is your mother living? A Yes sir.
Q What is her name? A Margaret L. Rice.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A I don't know really; about an eighth I reckon.
Q Is your mother one quarter? A I don't really know.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Is your husband living? A Yes sir.
Q What is his race? A White man.
Q What is his name? A Manuel H. Keasley.
Q Do you make any claim for him? A I don't.
Q You have three children? A Yes sir.
Q What is the name of the oldest? A Edgar.
Q How old is Edgar? A Seven.
Q The next? A She's five; Beulah.
Q What is the name of the next? A Hattie Belle.
Q How old is she? A Eight months.
Q You claim for yourself and three children? A Yes sir.
Q Is Manuel H. Keasley the father of these children? A Yes sir.
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes sir.
Q Is your name on any of the tribal roll of the Choctaw Nation in the Indian Territory with your children? A No sir.
Q You are not enrolled, are you, in the Choctaw Nation? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this the first application you have ever made for citizenship

in the Choctaw Nation for yourself and children? A Yes sir.

Q None of you ever been admitted have you? A No sir.

Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830 or don't know under that article? A I don't understand what you mean by it.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; the object of this treaty was to remove the Choctaw Indians from the Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under this treaty and in order to protect the interests of these Indians who preferred to stay back in the old Choctaw Nation article fourteen was put into the treaty; article fourteen is a part of that treaty and under which you are claiming today. It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No sir.

Q What is the name of your ancestor through whom you make this claim today? A McAlester.

Q What is the full name? A Which; my mother; Margaret Lurain Little is my mother; my grandmother was a McAlester.

Q Was that your mother's mother? A Yes sir.

Q Is that as far back as you can go? A Yes sir.

Q What was her full name? A Elizabeth McAlester. My grandmother.

Q How much Choctaw blood did she have? A I can't tell you.

Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I think she lived in Alabama. IN 1830.

Q In 1830? A I don't know.

Q Did you ever hear that she lived in Alabama in 1830 and was head of a family there then? A I don't know.

Q Can you tell whether she claims through her father or mother or both? A Through her mother.

Q What was her mother's name? A My great grandmother's name was McAlester too.

Q Do you know her Christian name? A No; I don't know that far back.

Q Did your great grandmother McAlester live in Mississippi in 1830 and have a family there then? A I don't know.

Q Can you give the name of any Choctaw ancestor who did live in Mississippi or Alabama in 1830? A I don't know.

Q Did you ever live in Mississippi? A No sir.

Q Did your mother ever live in Mississippi? A No sir, she never lived in Mississippi. I think she lived in Alabama.

Q How old is your mother now? A Sixty two.

Q Was she born in Alabama? A I can't tell you.

Q Did her mother live in Alabama? A I don't know.

Q Did any of your Choctaw ancestors go to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?

A I don't know.

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation there in Alabama or Mississippi for five years and at the end of that time get a patent to it from the Government?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840?

A I don't know they did; the McAlesters did I guess.

Q Do you know? A No sir, I don't.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application today? And for the purpose of making a permanent home in the Territory? A Not that I know of.

Q Did any of them own any improvements on land in the old Choctaw Nation in Alabama or Mississippi in 1830? A Not that I know of.

Q Did any of them go before a Commission appointed by an act of Congress approved March 3, 1837 or before a Commission appointed by an act of Congress approved August 23, 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed by various acts of Congress to hear Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified and who claimed that they had gone to Col. Wm. Ward within six months after ratification of the treaty of 1830 and had attempted to register under article fourteen of the treaty but that Col. Ward had refused to allow them to register and because of his refusal the Government had taken the land from them in the old Choctaw Nation and sold it.

Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under that article? A No sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved that they had rights under article fourteen and also that their lands in the old Choctaw Nation had been taken from them by the Government and sold.

Q Do you speak or understand the Choctaw language? A No sir, I don't.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir.

M.R. Keasler-----4

Time is allowed this applicant up to and including the 24th day of March, 1903, for the purpose of introducing further proof in this case if she desires to do so.

Examination by Mr. Johnson:

Q You claim through the McAlesters; are any of these McAlesters that have come to the Territory and located; distant relatives of yours. A No sir, none that I know of.

Q What you know is through your mother? A Yes sir.

Q She aint here now? A No sir.

Q Is there a probability of her being before the Commission before it closes? A No sir.

Q You don't think she can come? A No sir; she's disabled.

Q Have you ever been told that any of these McAlesters here are related to you? A I don't know.

Q That's all.

By the Commission:

This applicant has the appearance of being descended from white parentage; black hair, blue eyes, medium dark complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mahala B. Keasler, et al.,
for identification as Mississippi Choctaws, M.C.R. 6772.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Mahala B. Keasler for herself and her three minor children, Edgar,
Beulah and Hattie Belle Keasler, under the following provision of
the act of Congress approved June 29, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Elizabeth McAlester, who is alleged to have been a Choctaw Indian,

degree of blood not stated.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the one above given, in the person of the great-grandmother of the principal applicant; but as they are only able to give the surname of this ancestor it is, therefore, impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court, in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth McAlester signified (In person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842,

(6 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mahala B. Keasler, Edgar Keasler, Beulah Keasler and Hattie Belle Keasler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jams Dixby.
Chairman.

(SIGNED)

T. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

(SIGNED)

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 6772

copy:

Muskogee, Indian Territory, April 6, 1904.

Mahala B. Keasler,
Fate, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilised Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Keasler et al., including you and your children, Edgar Keasler, Boulah Keasler and Hattie Belle Keasler.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M O R 6772

COPY

Muskegee, Indian Territory, April 6, 1904.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Keasler, et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. E. McAdoo

Commissioner in Charge.

Registered.

M C R 6772

COPY

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Keasler, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Needles.

Enc MCR-6772

Commissioner in Charge.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Mahala B. Keasler et al, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 5772.

Land
28267-1904.

DEPARTMENT OF THE INTERIOR, (COPY)
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Mahala B. Keasler, for the identification of herself and her three minor children, Edgar, Boulah and Hattie Belle Keasler, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on March 15, 1904.

The record in this case shows that the applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Elisabeth McAlister, the grandmother of the principal applicant Mahala B. Keasler, and Margaret Lurain Little, her daughter, the mother of the principal applicant. It is a legend that Elisabeth McAlister was a resident of Alabama in 1830, but as to whether she was the head of a family then, the witness, who is the principal applicant, was unable to state. As to whether any of these Choctaw ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or whether they received land under any provision of that Treaty, the witness is unable to state.

The Commission rejected the applicants for the reason that an examination of its records failed to show that Elisabeth McAlister complied or attempted to comply with the provisions of the Fourteenth Article of

the Cheetaw Treaty, or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Elizabeth McAlester and Margaret Lurain Little and it is ascertained that neither of their names, nor that of any other person of the name of McAlester, appear as having complied or attempted compliance with the provisions of the Fourteenth Article of the Cheetaw Treaty or the subsequent legislation relative thereto. I therefore recommend that the decision of the Commission, rejecting these applicants, be approved.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

E.B.H.-L.C.

DC-20782-1904.

DEPARTMENT OF THE INTERIOR, (COPY).

J.W.H.

ITD 4706-1904.

WASHINGTON, June 16, 1904.

FHE

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 22, 1904, you transmitted the record in the case involving the application of Mahala E. Keasler et al. (M.C.R. 6772), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

M.C.R. 6772

COPY!

Muskogee, Indian Territory, June 28, 1904.

Mahala B. Keasler,

Fate, Texas,

Dear Madam:

You are hereby notified that on the 26th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Keasler et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

COPY.

M.C.R. 6772

Muskogee, Indian Territory, June 25, 1904.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Kessler et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

SIGNED

Jane Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, June 23, 1904.

Manfield, McMurray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mahala B. Kessler et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

6772

No.

6772

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name Mahela B. Kessler

Age

27 -

Blood

1/8

Post Office,

Fate, Tex.

Father:

Calvin Rice

l

Mother:

Margaret L. "

l.

Claims through

mother - H

Husband -

Manuel H. .. l. w.

No claim for husband

Children.

Edgar Kessler. 7

Bertha ..

5

Hattie Belle .. 8 m

Claims for self
and 3 minors

Stenographer

H. G. 74

Mahala H. Re.

NOTICE OF DECISION FORWARDED
AT ANTA 1904

APR 11
**ACTION APPROVED BY
SECRETARY OF INTERIOR**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
JUN 25 1904
NOTICE OF DEPARTMENTAL ACTION
FORWARD STATE OF OKLAHOMA
AND CHICKASAW NATIONS

JUN 4
NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT
JUN 4 1904

Choctaw MCR 6773

Jane McCarty

MCR 6773

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 24, 1903.

6773

In the matter of the application of Jane McCarty for the identification of herself and her three minor children, Etta May, Jeff Davis and Albert McCarty, as Mississippi Choctaws.

T.D.Taylor, attorney for applicant.

Jane McCarty being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jane McCarty.
Q What is your age? A Twenty two.
Q What is your post office address? A Brady, Indian Territory.
Q How long have you lived in Brady, Indian Territory? 12 months.
Q Where did you live before that? A In Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q Where in Arkansas did you live? A North Fork.
Q How long did you live there; all your life except when you lived in Brady? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Jasper Carlton (spelling: surname.
Q What is your mother's name? A Emily J. Carlton.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A A sixteenth.
Q Is he one eighth Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A --
Q Never has been in the Territory till recently, has he? A Yes, he has.
Q How long? A Been here about 12 months now. And has been here before and stayed out 12 months and went back.
Q He never has been recognized as an Indian has he? A --
(Attorney says "no sir".)
Q Do you know whether he has or not? A No sir.
Q Do you know when and where your father and mother were married? A In Arkansas.
Q Do you know where? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jim McCarty.
Q Is he an Indian or white man? A White man.
Q Do you make any claim for him? A No sir.
Q Give me the name of your oldest child? A Etta May McCarty.
Q How old is Etta? A Four years old.
Q Next? A Jeff Davis McCarty.
Q How old? A Two.
Q The next? A Albert.
Q How old? A One.
Q You claim for yourself and three children? A Yes sir.
Q Is Jim McCarty the father of these three children? A Yes sir.

Q Have you or your husband ever been married before your marriage to each other? A Yes, my husband has.

Q But you only care to make application for these three children of your own by him? A Yes sir.

Q And are you and your husband living together as husband and wife and are these children living with you at your home? A Yes sir.

Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

In 1830 a treaty was made between the United States Government and the Choctaw tribe of Indians at Dancing Rabbit Creek in Mississippi. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Most of the Indians did remove under that treaty-- some, however refused to go and before the treaty was signed article fourteen was put into the treaty for their social benefit and protection; that's the article under which you are claiming today and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent and a quarter section to such child as may be under ten years of age. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors claim to comply with the provisions of that article, do you know? A I don't know whether they complied or not.

Q What is the name of your right to be identified through now? Grandfather, grandmother--- A My grandfather.

Q What was his name? A Aaron Carlton.

Q Is it the Aaron Carlton who has been before the Commission. A Yes sir.

Q He is living now? A Yes sir.

Q How much Choctaw blood has your grandfather, Aaron Carlton? A One fourth.

The case of Aaron Carlton- M. C. R. 538- is here referred to as being the grandfather of this applicant.

Q Do you know through whom Aaron Carlton claimed? Your grandfather-claimed his Choctaw blood? A No sir. I don't know anything about that.

Q You are not able to give your ancestor back any farther than your grandfather, Aaron Carlton? A No sir.

Q Did he live in Mississippi in 1830 and have a family there then?

A I can't tell you.

(Attorney says he don't think she knows anything about it.)

Q Can you give the name of any Choctaw ancestor who did live in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A No sir.

Q Can you tell anything about any Choctaw ancestor of yours living in the old Choctaw Nation and going before Col. Ward within six months after the ratification of the treaty of 1830 and trying to register under him under article fourteen? A No sir.

Q Did any of your Choctaw ancestors as far as you know live on land in the old Choctaw Nation there in Mississippi or Alabama for five years and at the end of that time receive a patent from the Government for that land under article fourteen? A Not that I know of.

Q Your father is living in the Choctaw Nation, Indian Territory, isn't he? A Yes sir.

Q And you are living there now? A Yes sir. I am living in the Chickasaw Nation; my father did too.

Q Did your grandfather, Aaron Carlton ever live in the Choctaw or Chickasaw Nation? A Yes, in the Chickasaw.

Q When did he go there? A Its been five years ago.

Q Where did he live before he went to the Chickasaw nation? A Arkansas.

Q Was he born in Arkansas? A No sir.

Q Where was he born? A I can't tell you.

Q Perhaps he was born in Mississippi; do you know? A I don't know.

Q Never heard of any ancestor of yours who did live in Mississippi or Alabama? A No sir.

Q Did any Choctaw ancestor of yours own any improvements on land in the old Choctaw Nation East of the Mississippi River in 1830 or 1831? A Not as I know of.

Q Did you ever hear that any Choctaw ancestor of yours went before a Commission appointed by an act of Congress approved March 3, 1837 or before a Commission appointed by an act approved August 23, 1842 and claimed any benefits under article fourteen of the treaty of 1830? A No sir.

These Commissions were appointed by various acts of Congress to hear Indians who complained that they had registered or tried to register under article fourteen of the treaty of 1830 but Col. Ward had refused or neglected to put their names on his registry list and because of this the Government had taken their land from them which they had occupied in the old Choctaw Nation and sold it together with the improvements upon it.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

J. McC.-----4

This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that that land and the improvements upon that land had been taken from them by the Government and sold at Public Land Sale.

Q Do you speak or understand the Choctaw language? A No sir.
Q Do you want any time in this case? A I don't know just what we might want; I guess so.

This applicant has time up to and including the 24th day of March 1903, in which to introduce further testimony in this case if she desires to present it in support of this application.

Q Have you any other evidence you want to present now? A No sir.

This applicant has the appearance of being descended from white parentage; brown hair, blue eyes, light complexion; she does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same on February 24, 1903.

Henry G. Hains.

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.G.R. 6773

Muskogee, Indian Territory, April 28, 1904.

Jane McCarty, .

Brady, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilised Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., including you and your children Etta May McCarty, Jeff Davis McCarty and Albert McCarty.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

197

Registered.

Chairman.

M.C.R. 6773.

COPY.

Muskogee, Indian Territory, February 28, 1905.

Jane McCarty,

Brady, Indian Territory.

Dear Madam:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and children, Etta May McCarty, Jeff Davis McCarty and Albert McCarty, included in the consolidated case of Laton Carlton et al., of which decision you were advised by registered mail on the 28th day of April 1904.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

6773

No.

6773

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name Jane M^c Carty

Age

22

Blood

'116

Post Office.

Brady, I.T.

Father:

Jasper Carlton } l

Mother:

Emily J. Carlton. } l

Claims through

father, '18

Husband

Jim McCarty, l. 10.

No claim for husband

Children:

Etta M. McCarty, 4

Jeff Davis " 2

Albert " 1

Claim for self
and 3 children

Stenographer

H. H. Hains

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

R. 62

Jane McCarty et

REFUSE

NOTICE OF DECISION

RECEIVED DEPTA

MAY 11 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENT
ACTION APPLICANT.

FEB 1905

NOTICE OF DEPARTMENT ACTION
FORWARDING OF MISSISSIPPI CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENT ACTION
FORWARDING OF MISSISSIPPI CHOCTAW
AND CHICKASAW NATIONS.

REF. TO REG.

Choctaw MCR 6774

Artie Carlton

MCR 6774

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 24, 1903.

6774

__&&

In the matter of the application of Annie Williams, a white woman, for the identification of her minors, ---, Artie, Foster and Ellis Carlton, as Mississippi Choctaws:

T.D.Taylor, for applicants:

Annie Williams, the mother of these children being sworn testified as follows:

Examination, by the Commission:

- Q What is your name? A Annie Williams.
Q What is your age? A Thirty two.
Q You are a white woman, are you? A Yes sir.
Q What is your post office address? A Pauls Valley, I.T.
Q How long have you lived in Pauls Valley? A About three years.
Q Before that you lived where? A Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q Where in Arkansas did you live? A Stone County.
Q You lived there all your life until you went to Pauls Valley?
A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A Yes sir.
Q They are both white people? A Yes sir.
Q Is your husband living? A I have a husband living but not the father of these children.
Q What is the name of your husband the father of these three children? A William A. Carlton.
Q C-a-r-l-t-o-n? A Yes sir.
Q Is he living? A No sir.
Q You are the mother of these children? A Yes sir.
Q And your name is now Annie Williams? A Yes sir.
Q You married a second time a man named Williams? A Yes sir.
Q Have you any children by this man? A Yes sir.
Q Are they white? A Yes sir.
Q These children then claim their Choctaw blood through their father, William A. Carlton? A Yes sir.
Q How much Choctaw blood did he have? A One eighth.
Q Do you claim one sixteenth for the children? A Yes sir.
Q What is the name of the eldest child? A Artie Carlton.
Q How old is Artie? A Thirteen.
Q Next? A Foster Carlton.
Q How old? A Ten.
Q Next? A Ellis Carlton.
Q How old? A Five.
Q And you come before the Commission to claim the right to identification through their father for these three children?
A Yes sir.

A. Williams-----2

Q When and where were you married to your first husband, W.A. Carlton? A In Arkansas.

Q In what place in Arkansas? A I have the license here; in Cleburne County.

Q Do you want to introduce this proof? A Yes sir.

Marriage license of the marriage of William A. Carlton and Annie C. Davis is presented by this applicant in behalf of her children, received, filed, marked Exhibit "A" and made a part of the record in this case.

Q Are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for these children to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.

Q Is this the first application that has been made for them for citizenship in that Nation? A Yes sir.

Q Do you want to identify them as Mississippi Choctaws. A Yes sir

Q Claiming under article fourteen of the treaty of 1830? A Yes sir.

(Attorney says: "I have explained that to her and she has heard it read and explained--")

Q You understand that? A Yes sir.

The reading of it is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of the ancestors of these children comply or attempt to comply with that article fourteen of that treaty? A Yes sir.

Q Who did; give the name of any ancestor of these children who did? A A. Carlton.

Q He is living now, isn't he? A Yes sir.

Q You mean Aaron Carlton? A Yes sir.

Q That is the great grandfather of these children? A He is the grandfather.

A. Williams---3833333

Q Was Jane McCarty the sister of these children? A No sir; she's their cousin. Their father is her uncle.
Q How much Choctaw blood has Aaron Carlton? A One fourth I think
Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yessir.
Q Do you want to have reference made to his application?
A As the grandfather of these children, Aaron Carlton? A Yes sir.

The case of Aaron Carlton, M.C.R. 538, is here referred to as that of a relative of these children they claim through the same common ancestor.

Q Do you know through whom the grandfather of these children, Aaron Carlton, made his claim? A Through his mother.
Q What was her name? A I can't tell you that for certain.
Q Can't tell the Christian name? A I think Nancy Allen.
Q Was that her maiden name? A I think so.
Q Did Nancy Allen afterwards marry a man named Carlton? A Yes sir
Q And the claim of these children of yours is through their father, your husband, and then through Aaron Carlton up to the mother of Aaron Carlton? A Yes sir.
Q Did any of these Choctaw ancestors of these children live in Mississippi or Alabama in 1830 and have a family there then?
A Not that I know of.
Q Did any of the Choctaw ancestors of these children go to Col. Ward within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of that treaty? A No sir, not that I know of.
Q Did any of the Choctaw ancestors of these children live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the Government for that land? A Not that I know of.
Q Did the Choctaw ancestors of these children go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for these children? A No sir; not that I know.
Q Or at any other time between 1833 to 1838 with the other Indians? A No sir.
Q Your husband their father then never lived in the Choctaw Nation, Indian Territory? A No sir; he died in the Chickasaw Nation.
Q When did he go to the Chickasaw Nation? A He came here in 1900.
Q Did his father or mother before him live there? A His father did.
Q His father's name was what? A Aaron Carlton.
Q When did Aaron Carlton go to the Chickasaw Nation? A He has been here about 6 years I think.
Q Where did he go from? A Arkansas.
Q Did Aaron Carlton's father or mother go from Mississippi or Alabama to the Choctaw or Chickasaw Nation Indian Territory? A I can't tell you.
Q Did any of Aaron Carlton's people, and by that I mean ancestors, live in the old Choctaw Nation there in Mississippi or Alabama?
A Not that I know of.
Q You know it is necessary to show that these children had an Choctaw ancestor who lived in the old Choctaw Nation there in Mississippi or Alabama at one time. A Yes sir.
Q Further it is necessary to show that they were heads of families or one of them was a head of a family in 1830 or 1831 and attempted to comply or did comply with the provisions of article fourteen

A. Williams-----4

of the treaty of 1830; either that or that they having tried to register under Col. Wm. Ward and having failed to do so they tried to establish rights under the Commissions of 1837 or 1842.

Q Do you know whether any of the Choctaw ancestors of these children did any of these things that are required to be shown?
A No sir, I don't.

The Commission of 1837 authorized by the act of Congress of March 3, that year, and the Commission of 1842 authorized by the act of Congress approved August 23, that year, were Commissions appointed to hear Choctaw Indians who claimed that they had gone to Col. Ward and tried to register but that he had refused them and because Col. Ward refused to put their names upon his registry list the Government afterwards took their lands from them in the old Choctaw Nation and sold it; you never heard that any of the Choctaw ancestors of these children went before either of these Commissions and claimed benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did any of these Choctaw ancestors go to Col. Ward at his agency in Mississippi and attempt to register under article fourteen of the treaty of 1830? A I can't tell you.

Q And you never heard that the Choctaw ancestors of these children lived on land for five years and then got a patent to it from the Government? A No sir.

Q Never heard that they claimed any benefits under article fourteen of the treaty of 1830? A No sir.

Q Did any of the Choctaw ancestors of these children receive any scrip from the Government which entitled them to receive and select land in Mississippi, Alabama, Arkansas or Louisiana?
A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their lands there in the old Choctaw Nation had been taken from them and sold.

Q Do these children speak the Choctaw language? A No sir.

Q What is the color of Antoin Carlton's eyes? A Gray.

Q What is her hair? A Light brown.

Q Is Foster dark or light? A Has blue eyes and light hair.

Q Ellis has blue eyes? A Yes and light hair.

This applicant has up to and including the 24th day of March, 1903, for the introduction of other evidence in this case if she desires to present it.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 24, 1903,

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Davis

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6774

Muskogee, Indian Territory, April 28, 1904.

Annie Williams,

Pauls Valley, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., including your three minor children Artie Carlton, Foster Carlton and Ellis Carlton.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. O. B.

REFER TO REPLY TO THE FOLLOWING:
M.C.R. 6774.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1905.

Annie Williams,

Pauls Valley, Indian Territory.

Dear Madam:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of your children, Artie Carlton, Foster Carlton and Ellis Carlton, included in the consolidated case of Laton Carlton et al., of which decision you were advised by registered mail on the 28th day of April 1904.

Respectfully,

C. R. Breckinridge


Commissioner in Charge.

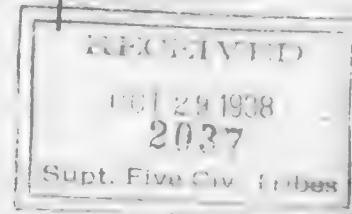
5-728
UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington, Oct 26 1938, 19.....

I, E. J. Armstrong, Assistant Finance Officer....., ~~Commissioner~~
of Indian Affairs, do hereby certify that the papers... hereunto attached
are..... true copies of the originals... as the same
appear..... of record..... in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name, and caused the seal of this office
to be affixed on the day and year first
above written.


E. J. Armstrong
Assistant Finance Officer. ~~Commissioner~~



NOTE.- This License, with the Certificate duly executed and officially signed, must be returned to the Office of Indian Affairs, within sixty days from date of License, under penalty of forfeiture of the License.







6774

No.

6774

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 24 1903

Date
 Name *Annie Williams* (white)
 for 3 minors

Age 32

Blood

white ↗

Post Office, *Pauls Valley, I. T.*

of chief

Father: *William A. Carlton, Id.*Mother: *Annie Williams, I. T.*

children

Claims through

father 1/8

Children:

<i>Artie Carlton</i>	<i>F.</i>	<i>1/16, 13</i>
----------------------	-----------	-----------------

<i>Foster</i>	<i>"</i>	<i>1/16, 10</i>
---------------	----------	-----------------

<i>Ellis</i>	<i>"</i>	<i>1/16, 5</i>
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claims for 3
minors

Stenographer

A. H. Hains

Artie. [unclear] et al

REFUSED

DECISION **MAR 11**

**NOTICE OF DECISION FORWARDED
APPLICANT**

COULD BE...
ATTORNEY...
BOTH/ASAY NATIONS.

NOTICE OF DECISION

RECORD... DEPARTMENT

ACTION APPLICANT

FEB 2 1905

NOTICE OF DECISION

...INTERSTATE...

AND

TER...

7128
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 25 1904

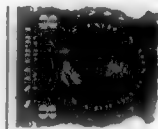
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MUSKOGEE, IND. TER.
APR 30 1904
RECEIVED

11954
11585

227



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Annie Williams~~

JUN 23 1904

~~Pauls Valley, Indian Territory.~~

opened by Mistack

Annie Williams

RECEIVED
APR - 5 1905
U.S. DEPT. OF AGRICULTURE

[Faint, illegible handwritten text]

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

6774

Undelivered



Annie Williams,

Pauls Valley, Indian Territory.

Choctaw MCR 6775

John F. Jones

MCR 6775

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John F. Jones, et al.,
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
John F. Jones, et al., for identification as Mississippi
Choctaws, M.C.R. 6775.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE? I.T. FEB. 24, 1903.

6775

In the matter of the application of John F. Jones for the identification of himself and his three minor children, Loney Ann, LaFayette and Josephine Jones as Mississippi Choctaws.

John F. Jones being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John F. Jones.
Q What is your age? A Twenty six.
Q What is your post office address? A Francis, Chickasaw, Indian Territory.
Q How long have you lived in the Indian Territory? A Ever since I can recollect; I always lived in the Choctaw Nation until three years ago, when I went to the Chickasaw Nation- in 1900.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Daniel Jones.
Q What was your mother's name? A Emily.
Q Do you claim through your father or mother? A My mother, Emily Jones.
Q How much Choctaw blood do you claim? A One fourth-one eighth.
Q How much did your mother, Emily, have? A One fourth.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
Q When? A In 1884.
Q By the Choctaw tribal authorities? A She was enrolled at the Choctaw council.
Q In what year? A In 1884; was admitted as a Choctaw Indian.
Q And who else in the family? A Nobody.
Q How many children did she have at that time? A Two; myself and sister.
Q Why was it that you and your sister were not admitted at that time? A She claimed that she just neglected it. My mother died just one year after she was admitted as a citizen.
Q What rights did she get in the Choctaw Nation after she was admitted by the council as a Choctaw by blood; did she get all the rights as a Choctaw Indian after that? A Yes sir.
Q Where is your father now? A Detroit, Michigan.
Q He left the Choctaw Nation, then? A Yes sir.
Q Has he ever claimed any rights in the Choctaw Nation by intermarriage? A Yes sir.
Q Is he a member of the Choctaw tribe of Indians by intermarriage or has he lost those rights by going out of the Nation? A I think so.
Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Yes sir.
Q You never have been before the Commission have you? A Yes sir.
Q Did you go before the Choctaw tribal authorities first? A Yes sir.
Q Where did you go before the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Ist. of -- the first Monday

J.F.Jones----2

in October, 1897.

Q What was done with your application at that time? A Wain't anything done with it at all; McCurtain just told me it was all right and he'll see to it.

Q You mean Green McCurtain? A Yes sir.

Q He was Governor of the Choctaw Nation then? A No sir, Secretary; Dukes was Governor then.

Q Did your case go before the council at that time? A Just my case went before the Council.

Q Was your case presented to the council? A Yes sir.

Q By whom? A Green McCurtain.

Q What action did the council take upon it? A We didn't say.

Q You never got any notification then? A No sir.

Q Did you pay any money for an application? A Yes sir.

Q To whom did you pay? A Green McCurtain; I paid him \$5.00 at that time; he said that was all he asked as expenses; Bob Benton was an attorney he was an Indian at that place and I paid him \$5.00. I paid out about \$500.00.

Q To whom? A I can't tell you.

Q To different lawyers you mean? A Yes sir.

Q You never paid any money to the Choctaw nation, did you? A No sir.

Q You never paid any money to any officer of the Choctaw nation except Green McCurtain? A No sir; except Bob Benton.

Q But Bob Benton was an attorney? A Yes sir.

Q When did you make another application and before what authority? A I made an application next time before the Dawes Commission at Calvin, Choctaw nation.

(It appears from the records of the Commission that on August 8, 1899, you made application for the enrollment of yourself as a citizen by blood of the Choctaw Nation at Calvin, Indian Territory, and that thereafter on December 6, 1900, you made application for the enrollment of your two minor children, Loney Ann and LaFayette E. Jones as citizens by blood of the Choctaw nation; thereafter on February 15, 1902, you made written application for the enrollment of your infant daughter, Josephine Jones.)

A Yes sir.

Q Now have you named all the applications that you have ever made for yourself and children either to the Choctaw tribal authorities or the Dawes Commission for citizenship in the Choctaw nation?

A No, I made application for my wife at Atoka.

Q What is her name? A Mary E. Jones.

Q You understand, Mr. Jones, that if you make this application now for the identification of yourself and children as Mississippi Choctaws that this application made by you August 8, 1899, and of your child will have to be disposed of. Do you want to have this application made by you today the only application that you have made before the Commission and do you want to have this application made by you before as a Choctaw by blood made a part of your present application? (No answer.)

Q You cannot have two applications pending. A Yes sir.

Q Do you want to have this application made by you before considered with the present application which you make as a Mississippi Choctaw? A Yes sir.

himself and three minor children, Loney Ann, Lafayette and Josephine Jones; at his request the application which he made on a previous date for himself and his children as shown by card Field No.D 304 and dated August 8, 1897, is withdrawn and the testimony and evidence presented by him in that application ~~is~~ and the records made by him in that case showing his citizenship by blood is here considered as a part of the evidence to be considered in this application which he now makes for identification of himself and children.)

Q What is the name of your wife? A Mary Elizabeth Jones.

Q What is her race? A She's a white woman.

Q And is living now? A Yes sir.

Q You don't care to make any application for her then as a Choctaw? A Not unless it would be intermarried.

(There is no authority which empowers the Commission to identify white persons by intermarriage or any other manner under article fourteen of the treaty of 1830.)

A That's what I thought.

Q You don't make any claim for her then as having Choctaw blood?

A No sir.

Q What is the name of your oldest child that you want to make application for now? A Loney Ann Jones.

Q How old is she? A She's four years old.

Q What's the name of the next child? A Lafayette Jones.

Q How old? A Two years old.

Q The next child? A Josephine Jones.

Q How old? A She's a year old.

Q Is your wife, Mary E. Jones the mother of these three children?

A Yes sir.

Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes sir.

Q Is the proof of your marriage to your wife, Mary E. Jones filed in the records of this application made by you August 8, 1897?

A Yessir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A Yes sir.

Q You made it as explained here? A Yes sir.

Q Have you ever made any other application than that you have already explained? A No sir.

Q Do you come before the Commission now to be identified as a Mississippi Choctaw making your claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A Yes sir.

18

The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she

shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors, do you know, ever comply with article fourteen of that treaty or not? A No sir, I don't.

Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw? A Jim Sholt; S-h-o-l-t; mother's father's name.

Q How much Choctaw blood did he have? A He was a half breed.

Q What relation was he to you? A He was my grandfather.

Q Your mother's name was Sholt before she married Jones? A Yes sir.

Q Do you know whether Jim Sholt claimed through his father or mother? A His father and mother both.

Q Do you know his father's name? A No sir I don't nor his mother's given name.

Q Did Jim Sholt live in Mississippi or Alabama at any time?

A Not that I know of.

Q Can you give the name of any Choctaw ancestor who did live in Mississippi or Alabama in 1830? A Jim Sholt's father did.

Q How old would Jim Sholt be if living now? A I don't know.

Q Would he be over 75 years old if living now? A No, I don't suppose he would.

Q Did any Choctaw ancestors of yours being residents of the old Choctaw Nation in 1830 and 1831 go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A I don't know.

Q Did any Choctaw ancestor of yours live on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the Government for that land? A I don't know.

Q Did any Choctaw ancestor of yours live on land in that old Choctaw Nation and claim it under article fourteen of the treaty of 1830? A I have always heard they did; I don't know myself.

Q Did they live on that land in Mississippi or Alabama? A In Mississippi.

Q What years? A I can't say.

Q Did they claim the land under the Government as Choctaw Indians or did they buy it? A Claimed it as Choctaw Indians.

Q Do you know where it was located? A No sir.

Q Know how it was bounded? A No sir.

Q Know how much land there was in that? A No sir.

Q Know what became of it or what became of any deeds to it?

A No sir.

Q Never heard that any patents were issued to your Choctaw ancestors from the Government? A I don't know.

Q Did any of your Choctaw ancestor go from the old Choctaw Nation to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application which you make today? A Yes sir; Hawkins Sholt; Jim's brother.

brother.

Q I mean your ancestors, from whom you are directly descended.

A My uncle Hawkins.

Q You are not descended from your uncle. A I understand.

Q Now, did any of your direct ancestors go to the Choctaw Nation, Indian Territory? A Not that I know of; I don't know whether my grandfather came from Mississippi or whether he was always there in the Choctaw Nation.

Q Well, now, have you given all you can recollect of your Choctaw ancestors as a matter of family history and tradition? A Yes, that's all I know of.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in Mississippi or Alabama in 1830 or 1831? A I don't know.

Q Did any of your Choctaw ancestors ever go to Col. Ward and try to become registered under article fourteen and failing so before the Commission of 1837 or 1842 which Commissions were appointed by various acts of Congress and claim any rights under either of these Commissions and under article fourteen of the treaty of 1830?

A I don't know.

Indians who claimed that they had gone to Col. Ward to register and had been refused the right of registration under article fourteen had a right to go to the Commissions of 1837 or 1842 to have their rights granted to them provided they were able to prove them; these Commissions were appointed because those Indians claimed that they had a right to register and did try to register and because Col. Ward had refused to allow them to do so the land had been taken from them by the Government and sold at Public Land Sale.

Q You never heard that any of your Choctaw ancestors went before either of these two Commissions? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government under the act of Congress approved August 23, 1842, which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip was given to those Choctaw Indians who proved their rights under article fourteen and also proved that their lands in the old Choctaw Nation had been taken from them and sold by the Government. Do you speak or understand the Choctaw language?

A I can speak it a little and understand it a little.

Q Can you count in Choctaw? A No sir, only one or two.

Q What is "chickasmah"? A That means "good".

Q What is Chickamahwahwah? A That's-- I don't know just exactly what that la-wah means.

Q What's "tukaloosa"? A That's a darkey.

Q You know but few words I suppose? A Yes sir.

Q You are not able to carry on a conversation? A No sir; I could at one time but since I moved away from Sugar Loaf County I didn't talk it much.

This applicant is allowed up to and inclusive of 24th of March, 1903, for the introduction of other proof if he desires to submit it in this case.

Q Have you any other evidence you want to present now? A No sir, I suppose not.

Jones-----5

This applicant has the general appearance and physical characteristics of being descended from white parentage; brown hair, reddish mustache; ruddy complexion; he does not understand the Choctaw language except a few words; his knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of March, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application of John F. Jones, et al.,
for identification as Mississippi Choctaws, M.C.R. 6775.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John F. Jones for himself and his three minor children, Loney Ann, LaFayette and Josephine Jones, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the records of the Commission that John F. Jones, Loney Ann Jones, LaFayette Jones and Josephine Jones are recognized and enrolled citizens by blood of the Choctaw Nation, whose names appear as numbers 15606, 15607, 15608 and 15609, respectively, upon the lists prepared by this Commission under the act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and

approved by the Secretary of the Interior on September 22, 1904.

It is therefore ordered that the application for the identification of John F. Jones, Loney Ann Jones, LaFayette Jones and Josephine Jones, as Mississippi Choctaws, should be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

OCT 25 1904


Chairman.

N C R 6775

Muskogee, Indian Territory, April 8, 1903.

John F. Jones,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask to be advised if any depositions have been filed in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that at the time you made application you were allowed until March 24, 1903, within which to submit additional evidence in support of your claim. Up to the present time no additional proof has been offered, but if it is your desire to file depositions in support of your case, the same may be considered when taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations are herewith enclosed.

Respectfully,

R & R Dep.

Chairman.

M.C.R. 6773

COPY:

Muskogee, Indian Territory, October 25, 1904.

John W. Jones,

Stuart, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing the application for the identification as Mississippi Choctaws of yourself, and minor children, Loney Ann Jones, LaFayette Jones and Josephine Jones.

Respectfully,

~~THOMAS~~

Thos Dixby
Chairman.

Registered.

Incl. M.C.R. 6773.

COPY, M.C.R. 6775.

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated October 25, 1904, dismissing the applica-
tion for the identification as Mississippi Choctaws of John Y. Jones,
Loney Ann Jones, LaFayette Jones and Josephine Jones.

Respectfully,

SIGNED
James Bixby
Chairman.

Incl. M.C.R. 6775.

6775

No.

6775

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name John F. Jones,

Age ~~27~~ 26 Blood 1/8.

Post Office, Francis, I. T.

Father, Daniel Jones. l

Mother, Emily " d

Claims through

wife

Mary E. Jones. l. w. mother 1/4

No claim for wife.

Children.

Loney Ann Jones. 4

La Fairette .. 2

Josephine .. 1

See No 10 304.

Aug. 8. 99 -

Claims for ref in
3 mins

Stenographer H. S. Harris

Choctaw MCR 6776

Givens W. McGee

MCR 6776

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Givens W. McGee, for
identification as a Mississippi Choctaw, M.C.R. 6776.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Givens W. McGee, to the Dawes Commission for identification as a Mis- sissippi Choctaw-----	1
Joint affidavit of Dave Eekles and Dick Steward-----	5
Decision of the Commission refusing the applica- tion of Givens W. McGee, to the Commission for identification as a Mississippi Choctaw-----	7

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 24, 1903.

6776

In the matter of the application of Givens W. McGee for identification as a Mississippi Choctaw.

C.G.Lowe, for applicant:

Givens W. McGee being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Givens W. McGee.
Q What is your age? A Thirty.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived in Texas? A Ever since '94; in July.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Mount Carmel.
Q How long did you live there in that State? A Till I was about
21 and I went to Texas.
Q Is your father living? A Yes, he was when I heard from him
last year.
Q Is your mother living? A No sir.
Q What is your father's name? A Ephraim McGee.
Q What is the name of your mother? A Martha McGee.
Q Do you claim through your father or mother? A Father and my
grandmother.
Q You claim on your father's side? A Yes sir.
Q How much Choctaw blood do you claim? A My grandmother was a
half.
Q Half Choctaw? A Yes sir.
Q Your father was a quarter? A Must have been.
Q And you are how much? A One eighth.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by either the Choctaw tribal authorities or the authori-
ties of the United States in the Indian Territory? A No sir not
that I know of.
Q Have you proof of the marriage of your father and mother here?
A No sir.
Q Do you know when they were married and where? A About 1871; in
Mississippi- Covington.
Q Where did they live? A In Mississippi.
Q Were they slaves? A My father was; I don't know whether my
mother was or not.
Q Are you married? A No sir.
Q You claim just for yourself alone? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in the Indian
Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you made application for citizenship in the Choctaw Nation
to the Dawes Commission under the act of Congress of June 10,
1896? A No sir.

- Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q You never have made application of any kind before this one now? A No sir.
- Q Do you claim your right to be identified now under article fourteen of the treaty of 1830; do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year, the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article under which you have a right to make a claim today is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove shall not be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A I don't know sir.
- Q What is the name of your ancestor through whom you make your claim to be identified now? A My grandmother whose name was Sylvia Hunter.
- Q How much Choctaw blood did she have? A I always heard that she was a half Choctaw Indian.
- Q Did she live in Mississippi? A Yes sir.
- Q Do you know whether she claimed her Choctaw blood through her father or mother? A I don't know sir.
- Q Did she live in Mississippi in 1830 and have a family there at that time? A I don't know sir.
- Q You don't know whether she was head of a family in 1830 in Mississippi or not? A No sir, I don't.
- Q How old would she be if living now? A About 95 or 96 years old.
- Q Where did she live most of her life? A Most of her life was spent in Covington County, Mississippi; as best I know.
- Q Was she married and was her husband named Hunter? A I don't know whether her first husband was named Hunter or not.
- Q Was she married twice? A She evidently was married more than twice.

Q How many times? A From my knowledge she was married only once; I heard them say she was married before; I made a mistake there because of my personal knowledge she wasn't married only once but the other is traditional.

Q What was her husband's name who was your grandfather? A I don't know sir.

Q And your father's name was McGee? A Yes sir.

Q Why didn't he have his mother's name Hunter? A He was a slave and at the surrender he took that.

Q Well, if he was a slave wasn't his mother too? A I don't know; I never heard him say.

Q Don't you think she must have been a slave if her son was?

A I don't know sir; its too far back.

Q Do you know whether she went to Col. Ward within six months after the ratification of the treaty of 1830 and attempted to register or did register under article fourteen of the treaty of 1830?

A No sir, I don't.

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation there in Mississippi or Alabama for five years and then get a patent from the Government for that land? A I have heard that my father lived on some land from the Government and he got a patent from the Government after living on it for five years.

Q Who did? A My father.

Q How do you make that out? A He was a slave? A I mean since Freedom; I don't know the circumstances surrounding the getting of that patent.

Q Was it under article fourteen of the treaty of 1830? A I don't know.

Q Where was he living when he got a patent from the Government for land after living upon it for five years? A In the neighborhood of Mt. Carmel.

Q Under what law did he get a patent to land after living on it for five years? A I don't know; it only come to me through tradition; I heard it said that he lived on land five years not being off it for two months.

Q Now if your father lived in Mississippi or Alabama in 1831 after the treaty of 1830 was ratified-- lived on land five years and then got a patent from the Government under article fourteen of the treaty of 1830; that is the question. A I don't know sir.

Q Did you say that after he was made free then he lived on land five years and then got a patent from the Government for that land? A Yes sir.

Q But you don't claim that was under article fourteen? A I don't know what it was.

Q You don't claim it was following the treaty of 1830? A I can't say.

Q Is suppose you know that if your father was a slave he could not have been between 1830 and '63 when he was liberated?

A I know that.

Q So that if he got any land from the Government he must have got it since the war and under some authority different from the fourteenth article of the treaty of 1830? A Yes sir.

Q Did any of your Choctaw ancestors, your grandmother, Sylvia Hunter or anybody else go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A Not to my knowledge.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir not that I know of.

In 1837 a Commission was appointed by an act of Congress approved March 3, that year, and also in 1842 another Commission was appointed by an act approved August 23, that year, these Commissions were appointed to hear the complaints of Choctaw Indians who registered or attempted to register or claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months after the ratification of that treaty and that Col. Ward had refused to allow them to register and because of this the Indians lost the land which they had occupied in the old Choctaw Nation-- the Government took it from them and sold it.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits under article fourteen of that treaty? A I don't know sir.

Q Do you know whether any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip was issued under an act approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of that treaty and also proved that their lands in the old Choctaw Nation had been taken from them by the Government and sold. Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence that you want to present now before the Commission? A No sir.

Q Have any relatives of yours been before the Commission to be identified as Mississippi Choctaws? A Not that I know of.

Q Any questions? (To attorney)

A I was going to ask that he have thirty days to prove---

This applicant is allowed up to and including the 24th day of March, 1903, for the purpose of introducing other evidence if he desires to introduce it in this case.

This applicant has the appearance of being a negro; the Commission is unable to determine by his physical make-up and appearance whether he has any other blood. He has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer
Notary Public

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Givens W. McGee, for
identification as a Mississippi Choctaw, M.C.R. 6776.

---: D E C I S I O N :---

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
by Givens W. McGee for himself, under the following provision of
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Sylvia (or Silvey) Hunter, nee Phillips, who is alleged to
have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sylvia (or Silvey) Hunter, nee Phillips, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Givens W. McGee, as a Choctaw Indian entitled to rights in the

Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M.C.R. 6776.

COPY

Muskogee, Indian Territory, April 7, 1904.

Givens W. McGee,
Pittsburg, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

I. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6776.

COPY:

Muskogee, Indian Territory, April 7, 1904.

C. G. Lowe,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as a Mississippi Choctaw of Givens W. McGee.

You are further advised that the applicant in the case has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Woodles.

Commissioner in Charge.

Registered.

M.C.R. 6776.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application of Givens W. McGee for identification as a Mississippi Choctaw.

You are further advised that the applicant in the case has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Inc. MCR 6776.

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Givens W. McGee, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Jams Pixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6776.

Land.
28282-1904.

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Givens W. McGee, for identification as a Mississippi Choctaw, wherein a decision rejecting him was rendered by the Commission March 15, 1904.

The record in this case shows that the applicant bases his claim to a right to identification as a Mississippi Choctaw on his descent from Sylvia Hunter nee Phillips, through her son Ephraim McGee, who was the father of the applicant. It is alleged that Sylvia Hunter was of Choctaw blood, but as to her status in 1830 as a citizen of the Choctaw Nation in Mississippi, where it is claimed she lived, the witness is unable to state, or as to whether she complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty he has no knowledge, his reliance for a successful outcome to his application being founded on his Choctaw blood derived from them.

The applicant was rejected by the Commission for the reason that an examination of its records failed to show that Sylvia Hunter nee Phillips either complied or attempted to comply with the Fourteenth Article of the Choctaw Treaty or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with

reference to the names of Sylvia Hunter, Sylvia Phillips and Ephraim McGee, and it is ascertained that these names do not appear among the names of these Choctaw Indians who complied or attempted to comply with the Fourteenth Article of the Treaty of 1830, and it is therefore my judgment that the decision of the Commission rejecting them was correct, and I recommend that it be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

E.B.H.-L.C.

EG-21487-1904.
ITD-4704-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR, J.V.H. FHE (COPY).
WASHINGTON, June 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

April 23, 1904, you transmitted the record in the case involving the application of Givena W. McGee (M.C.R. 6776), for identification as a Mississippi Choctaw, including your decision of March 13, 1904, refusing to identify him as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

COPY:

M.C.R. 6776

Muskogee, Indian Territory, June 30, 1904.

Oivens W. McGee,

Pittsburg, Texas,

Dear Sir:

You are hereby notified that on the 30th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 6776

Muskogee, Indian Territory, June 30, 1904.

C. G. Love,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 20th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Givens W. McGee, of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 6776

COPY.

Muskogee, Indian Territory, June 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Givens W. McGee, of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

6776

No. 6776

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 24 1903

Name *Gurns W. McGee*Age 30 - Blood $\frac{1}{8}$ Post Office, *Pittsburg, Texas*Father: *Ephraim McGee, C.*Mother: *Martha " d*Claims through *father.*

5

Children:

*Claims for sep.*Stenographer *Wm G. Ham*

Givens. W. Mc

DECISION RENDERED MAR 15 1904
COPIES OF DECISION FORWARDED
APPLICANT APR 7 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. APR 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
APR 15 1904

RECEIVED FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT:

JUN 30 1904

REFUSED

END
OF
ROLL

